

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

WILLIAM C. SILVER, CLERK  
U.S. DISTRICT COURT

KER-BAR PIPE AND SUPPLY, INC.,  
a Texas corporation,

Plaintiff,

v.

No. 79-C-552-E

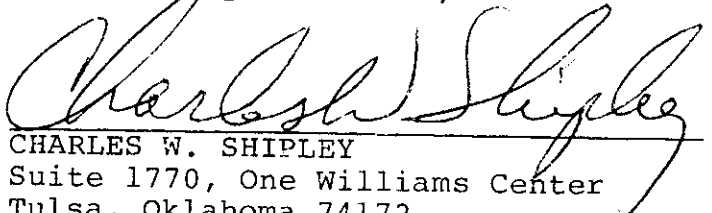
DANNY HILLENBERG, an individual,  
d/b/a HILLENBERG PIPE AND  
SUPPLY and GERALD A. ESKRIDGE,  
an individual,

Defendants.

STIPULATION OF  
DISMISSAL WITHOUT PREJUDICE

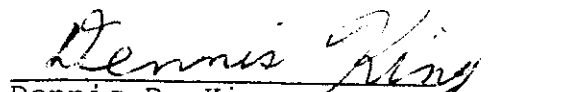
COMES NOW the plaintiff herein and dismisses this action  
against the defendant Danny Hillenberg d/b/a Hillenberg Pipe  
& Supply without prejudice.

Respectfully submitted,



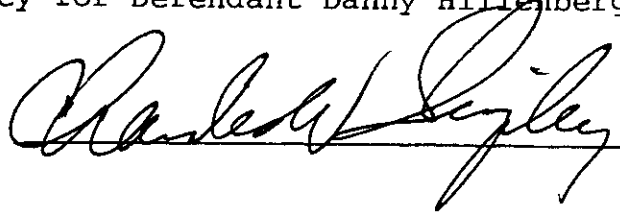
CHARLES W. SHIPLEY  
Suite 1770, One Williams Center  
Tulsa, Oklahoma 74172  
(918) 582-1720  
Attorney for Plaintiff

AGREED:

  
Dennis D. King  
Attorney for Danny Hillenberg  
2504-B East 71st Street  
Atlanta South Office Building  
Tulsa, Oklahoma 74136

CERTIFICATE OF MAILING

The undersigned hereby certifies that a copy of the foregoing Dismissal Without Prejudice was, on this 30 day of September, 1983, mailed, first class postate prepaid, to Dennis D. King, 2504-B East 71st Street, Atlanta South Office Building, Tulsa, Oklahoma 74136, attorney for Defendant Danny Hillenberg.

  
\_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

RICKEY L. GIST,  
Plaintiff,  
and  
ANTHONY PIERCE and DESI V.  
COLEMAN,  
Intervenors,  
vs.  
CITIES SERVICE COMPANY,  
Defendant.

FILED  
SEP 30 1983 Co  
Jack C. Silver, Clerk  
U. S. DISTRICT COURT

No. ~~82-C-892-E~~ ✓

82-C-1156-E ✓

ORDER OF DISMISSAL

This cause having come before this Court at scheduled pre-trial conference on September 16, 1983 at 1:00 p.m., and the Defendant having appeared through its counsel, and neither Plaintiff nor the Intervenors having appeared at such conference after receiving personal notification of same at a prior hearing in this cause at which all parties were present, and the Defendant having made an oral motion to dismiss this action for failure to prosecute, failure to make discovery, and failure to comply with the applicable rules of this Court and the orders of this Court, and it appearing to this Court that the defalcations of Plaintiff and Intervenors are serious, and include, but are not limited to the following acts:

1. Intervenor Pierce has not filed a Complaint in intervention, did not appear for his properly noticed

deposition and did not appear at the pre-trial conference or undertake to timely prepare a pretrial order;

2. Intervenor Coleman did not appear for her properly noticed deposition, did not appear for the pre-trial conference, did not engage in any discovery, and did not timely undertake to prepare a pre-trial order;

3. Plaintiff Gist did not appear for his properly noticed deposition after being ordered by this Court to do so, did not appear at the pre-trial conference, did not timely undertake to prepare and file a pre-trial order, and has filed numerous vexatious and frivolous motions and discovery requests;

And it further appearing to this Court that the aforesaid conduct, when taken as a whole and considered with all of the other actions by Plaintiff and Intervenors before this Court should not be tolerated.

And it further appearing to this Court that such conduct in fact and in law, constitutes failure to prosecute, failure to make discovery, and failure to comply with the lawful rules and orders of this Court of the type and character which warrants dismissal of this action with prejudice under Rules 37 and 41(b) of the Federal Rules of Civil Procedure.

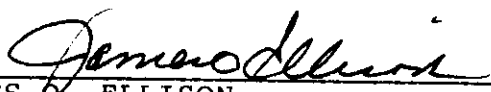
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the complaints and causes of action of Plaintiff and Intervenors in this action be, and hereby are, dismissed with prejudice.

IT IS FURTHER appearing to this Court that Defendant has

pleaded several counterclaims against Plaintiff based upon the pendent jurisdiction of this Court over the claims of Plaintiff, and that this Court no longer has pendent jurisdiction of such claims due to the dismissal of the action by Plaintiff at this stage.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the counterclaims of Defendant be, and hereby are, dismissed without prejudice.

SO ORDERED this 30<sup>TH</sup> day of September, 1983.

  
\_\_\_\_\_  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

RICKEY L. GIST,  
Plaintiff,

and

ANTHONY PIERCE and DESI V.  
COLEMAN,

Intervenors,

vs.

CITIES SERVICE COMPANY,

Defendant.

FILED

SEP 20 1983

Jack C. Silver, Clerk  
U. S. DISTRICT COURT

No. 82-C-892-E

ORDER OF DISMISSAL

This cause having come before this Court at scheduled pre-trial conference on September 16, 1983 at 1:00 p.m., and the Defendant having appeared through its counsel, and neither Plaintiff nor the Intervenors having appeared at such conference after receiving personal notification of same at a prior hearing in this cause at which all parties were present, and the Defendant having made an oral motion to dismiss this action for failure to prosecute, failure to make discovery, and failure to comply with the applicable rules of this Court and the orders of this Court, and it appearing to this Court that the defalcations of Plaintiff and Intervenors are serious, and include, but are not limited to the following acts:

1. Intervenor Pierce has not filed a Complaint in intervention, did not appear for his properly noticed

deposition and did not appear at the pre-trial conference or undertake to timely prepare a pretrial order;

2. Intervenor Coleman did not appear for her properly noticed deposition, did not appear for the pre-trial conference, did not engage in any discovery, and did not timely undertake to prepare a pre-trial order;
3. Plaintiff Gist did not appear for his properly noticed deposition after being ordered by this Court to do so, did not appear at the pre-trial conference, did not timely undertake to prepare and file a pre-trial order, and has filed numerous vexatious and frivolous motions and discovery requests;

And it further appearing to this Court that the aforesaid conduct, when taken as a whole and considered with all of the other actions by Plaintiff and Intervenor before this Court should not be tolerated.

And it further appearing to this Court that such conduct in fact and in law, constitutes failure to prosecute, failure to make discovery, and failure to comply with the lawful rules and orders of this Court of the type and character which warrants dismissal of this action with prejudice under Rules 37 and 41(b) of the Federal Rules of Civil Procedure.

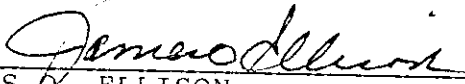
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the complaints and causes of action of Plaintiff and Intervenor in this action be, and hereby are, dismissed with prejudice.

IT IS FURTHER appearing to this Court that Defendant has

pleaded several counterclaims against Plaintiff based upon the pendent jurisdiction of this Court over the claims of Plaintiff, and that this Court no longer has pendent jurisdiction of such claims due to the dismissal of the action by Plaintiff at this stage.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the counterclaims of Defendant be, and hereby are, dismissed without prejudice.

SO ORDERED this 30<sup>th</sup> day of September, 1983.

  
\_\_\_\_\_  
JAMES D. ELLISON  
UNITED STATES DISTRICT JUDGE



IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

SOUTHWESTERN BELL TELEPHONE  
COMPANY, a Missouri  
corporation,

Plaintiff,

v.

BEAVER OIL COMPANY, INC., GULF  
OIL CORPORATION, SUN  
CORPORATION, and C. MOORE,  
D/B/A DX CIRCLE GASOLINE  
SERVICE.

Defendants.

No. 83-C-748-E

**FILED**


SEP 29 1983

Jack C. Silver, Clerk  
U. S. DISTRICT COURT

NOTICE OF DISMISSAL

COMES NOW Southwestern Bell Telephone Company and  
hereby dismisses, without prejudice, the following  
parties defendant, pursuant to Rule 41 (a) (1), Federal  
Rules of Civil Procedure:

1. C. Moore d/b/a DX Circle Gasoline Service.
2. Sun Corporation.

  
\_\_\_\_\_  
RAAL H. ROOS  
707 North Robinson, Room 921  
Oklahoma City, Oklahoma 73102  
Telephone: 405/236-6757

ATTORNEY FOR SOUTHWESTERN BELL  
TELEPHONE COMPANY

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

SOUTHWESTERN BELL TELEPHONE  
COMPANY, a Missouri  
corporation,

Plaintiff,

v.

BEAVER OIL COMPANY, INC., GULF  
OIL CORPORATION, SUN  
CORPORATION, and C. MOORE,  
D/B/A DX CIRCLE GASOLINE  
SERVICE.

Defendants.

No. 83-C-748-E ✓

**FILED**

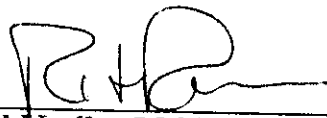
SEP 10 1983

J. Silver  
U.S. DISTRICT COURT

NOTICE OF DISMISSAL

COMES NOW Southwestern Bell Telephone Company and  
hereby dismisses, without prejudice, the following  
parties defendant, pursuant to Rule 41 (a) (1), Federal  
Rules of Civil Procedure:

1. C. Moore d/b/a DX Circle Gasoline Service.
2. Sun Corporation.

  
\_\_\_\_\_  
RAAL H. ROOS  
707 North Robinson, Room 921  
Oklahoma City, Oklahoma 73102  
Telephone: 405/236-6757

ATTORNEY FOR SOUTHWESTERN BELL  
TELEPHONE COMPANY

## FILED

SEP 29 1983

**Jack C. Silver, Capt.**  
U. S. DISTRICT COURT

CHRIS J. FREEMAN,

CIVIL ACTION NO. 83-C-694-E

) CIVIL ACTION NO. 83-C-694-E

DEFAULT JUDGMENT

DEFAULT JUDGMENT

DEFAULT JUDGMENT

UNITED STATES DISTRICT JUDGE

FILED

United States District Court  
In And For The

SEP 29 1983

Northern District of Oklahoma  
JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

WILHELMINA WILLIAMS, )  
 )  
Plaintiff, )  
 )  
vs )  
 )  
JERRY L. SPENCER, )  
 )  
Defendant. )

No. 83-C-504-E

D I S M I S S A L

Comes now the Plaintiff, Wilhelmina Williams, and dismisses  
this her cause of action against Jerry L. Spencer, with prejudice.

WILHELMINA WILLIAMS

By



Hubert H. Bryant  
Attorney for Plaintiff  
1623-A North Peoria  
P. O. Box 6281  
Tulsa, Oklahoma 74148  
(918) 582-7109

MAILING CERTIFICATE

This is to certify that a true copy of the fore-  
going was served on each of the parties  
hereto by mailing the same to them or their  
attorneys of record on the 29th day of  
September 1983.

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

**FILED**

SEP 29 1983

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ARMANDO RIVERO, JR.,

Defendant.

CIVIL ACTION NO. 83-C-409-E

AGREED JUDGMENT

This matter comes on for consideration this 29<sup>th</sup> day of Sept, 1983, the Plaintiff appearing by Frank Keating, United States Attorney for the Northern District of Oklahoma, through Peter Bernhardt, Assistant United States Attorney, and the Defendant, Armando Rivero, Jr., appearing pro se.

The Court, being fully advised and having examined the file herein, finds that the Defendant, Armando Rivero, Jr., was personally served with Summons and Complaint on September 19, 1983. The Defendant has agreed that he is indebted to the Plaintiff in the amount alleged in the Complaint and that Judgment may accordingly be entered against Armando Rivero, Jr. in the amount of \$312.03, plus interest at the legal rate from the date of this Judgment until paid.

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover Judgment against the Defendant,

Armando Rivero, Jr., in the amount of \$312.03, plus costs and interest at the legal rate from the date of this Judgment until paid.

S/ JAMES O. ELLISON

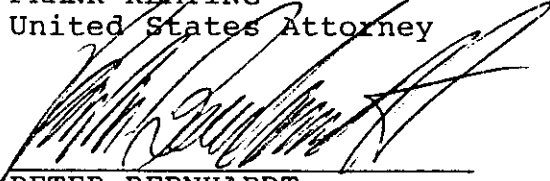
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UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

FRANK KEATING  
United States Attorney



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PETER BERNHARDT  
Assistant U.S. Attorney



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ARMANDO RIVERO, JR.

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

THOMAS J. O'BRIEN, TOMMIE JANE )  
O'BRIEN, and GREG THOMPSON, )  
Individuals, )

Plaintiffs, )

vs. )

No. 83-C-330-E ✓

UNITED BEVERAGE CORPORATION, )  
A Texas Corporation, ANTHONY )  
FERRANTE, LOU WALKER and )  
VERN CHAPMAN, Individuals, )

Defendants. )

**FILED**

SEP 29 1983

Jack C. Silver, Clerk  
U. S. DISTRICT COURT

JUDGMENT

On Motion of Plaintiffs for a default judgment for failure of Defendant, United Beverage Corporation, to timely enter an appearance and defend in this action,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that pursuant to Rule 55 of the Federal Rules for Civil Procedure judgment be entered for Plaintiffs, Thomas J. O'Brien, Tommie Jane O'Brien, and Greg Thompson, against Defendant United Beverage Corporation, for such damages as they have sustained as alleged in the complaint, to-wit:

1. The sum of \$5,223.75 to the Plaintiffs, Thomas J. O'Brien and Tommie Jane O'Brien, plus interest at the rate of 6% per annum from September 17, 1982 until the date of Judgment, and thereafter at the statutory rate until paid.
2. The sum of \$5,223.75 to Plaintiff, Greg Thompson, plus

interest at the rate of 6% per annum from September 17, 1982 until the date of Judgment, and thereafter at the statutory rate until paid.

3. The costs of this action.
4. Reasonable attorney fees in the amount of \$2,500.00.

DATED this 29<sup>th</sup> day of September, 1983.

  
\_\_\_\_\_  
JAMES D. ELLISON  
UNITED STATES DISTRICT JUDGE



FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

SEP 29 1983

TATUM C. SINGLETARY,

Plaintiff,

vs.

No. 83-C-52-E

GERMAN E. MATOS ROMERO,  
a/k/a GERMAN E. MATOS,

Defendant.

JUDGMENT


In this action the Defendant, German E. Matos Romero, a/k/a German E. Matos, having been regularly served with the Summons and Complaint, and having failed to plead or otherwise defend, the legal time for pleading or otherwise defending having expired and the default of the said Defendant German E. Matos Romero a/k/a German E. Matos, in the premises having been duly entered according to law; upon the application of said Plaintiff, judgment is hereby entered against said Defendant in pursuance of the prayer of said Complaint.

Wherefore, by virtue of the law and by reason of the premises aforesaid,

IT IS ORDERED, ADJUDGED AND DECREED that judgment be entered for Plaintiff and against Defendant in the amount of Four Hundred Thirty-Five Thousand (\$435,000.00) Dollars, together with interest thereon at the rate of eighteen (18%) percent per annum from and after May 1, 1982, to the date of Judgment, together with the award of all costs, incurred in this action, including

the award of a reasonable attorneys' fee (the amount to be determined by the Court upon application of the Plaintiff) and post-judgment interest at the legal rate.

Judgment rendered this 29<sup>th</sup> day of September, 1983.

  
\_\_\_\_\_  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

SEP 29 1963

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

VERNON MCFARLAND

Plaintiff,

V.

LOUIS REX CURTIS  
AND DIANNA B. CURTIS,

Defendants.

Civil Action No. 82-C-1146

ORDER ALLOWING DISMISSAL WITHOUT PREJUDICE

This matter having come on before the Court and the Court having received and considered the Stipulated Dismissal and being fully informed in the premises, it is thereupon;

Ordered and Adjudged that the Complaint filed by the Plaintiff and the Counter-claim filed by the Defendants be hereby dismissed without prejudice to the rights of the parties to refile another suit based upon the same claims.

Done and ordered at Tulsa, Oklahoma, this 29<sup>TH</sup>  
day of September, 1983.

James O. Allison  
United States District Judge

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTHONY R. PHILLIPS, and  
LINDA K. PHILLIPS, husband  
and wife; VINITA PRODUCTION  
CREDIT ASSOCIATION;  
COUNTY TREASURER and BOARD  
OF COUNTY COMMISSIONERS,  
Delaware County, Oklahoma,

Defendants.

**FILED**

SEP 28 1983

Jack C. Silver, Clerk  
U. S. DISTRICT COURT

CIVIL ACTION NO. 83-C-586-C

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 28<sup>th</sup> day of September, 1983. The Plaintiff appears by Frank Keating, United States Attorney for the Northern District of Oklahoma, through Peter Bernhardt, Assistant United States Attorney; the Defendants, County Treasurer and Board of County Commissioners, Delaware County, Oklahoma, appear by Thomas H. May, District Attorney for Delaware County, Oklahoma, through Waldo F. Bales, Assistant District Attorney; and the Defendants, Anthony R. Phillips, Linda K. Phillips, and Vinita Production Credit Association, appear not.

The Court being fully advised and having examined the file herein finds:

1. That it has jurisdiction over the subject matter and the parties.
2. That the Defendant, Anthony R. Phillips, executed an Acknowledgment of Receipt of Summons and Complaint on July 25,

1983; that the Defendant, Linda K. Phillips, executed an Acknowledgment of Receipt of Summons and Complaint on July 25, 1983; that the Defendant, Vinita Production Credit Association, executed an Acknowledgment of Receipt of Summons and Complaint on July 14, 1983; that the Defendant, County Treasurer, Delaware County, Oklahoma, executed an Acknowledgment of Receipt of Summons and Complaint on July 11, 1983; and that the Defendant, Board of County Commissioners, Delaware County, Oklahoma, executed an Acknowledgment of Receipt of Summons and Complaint on July 11, 1983.

3. It appears that the Defendants, County Treasurer and Board of County Commissioners, Delaware County, Oklahoma, filed their Answer on July 25, 1983; and that the Defendants, Anthony R. Phillips, Linda K. Phillips and Vinita Production Credit Association, have failed to answer and their default has been entered by the Clerk of this Court on September 9, 1983.

4. That this is a suit based upon certain promissory notes and for foreclosure of real estate mortgages securing said promissory notes upon the following described real property located in Delaware County, Oklahoma, within the Northern Judicial District of Oklahoma:

SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 16, NW $\frac{1}{4}$  less NW $\frac{1}{4}$  NW $\frac{1}{4}$ ; NE $\frac{1}{4}$  less SW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ ; and N $\frac{1}{2}$  SW $\frac{1}{4}$  less E $\frac{1}{2}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 21, E $\frac{1}{2}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ ; S $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 20, all of which land is in Township 21 North, Range 24 East, containing 410 acres, more or less.

5. That on October 6, 1978, Anthony R. Phillips and Linda K. Phillips executed and delivered to the United States of

America acting through the Farmers Home Administration, their Promissory Note in the amount of \$13,150.00, payable in yearly installments, with interest thereon at the rate of five (5) percent per annum.

6. That on October 6, 1978, Anthony R. Phillips and Linda K. Phillips executed and delivered to the United States of America acting through the Farmers Home Administration, their Promissory Note in the amount of \$114,500.00, payable in yearly installments, with interest thereon at the rate of eight and one-half (8½) percent per annum.

7. That on December 7, 1978, Anthony R. Phillips and Linda K. Phillips executed and delivered to the United States of America acting through the Farmers Home Administration, their Promissory Note in the amount of \$27,600.00, payable in monthly installments, with interest thereon at the rate of eight and one-half (8½) percent per annum.

8. That on May 18, 1979, Anthony R. Phillips and Linda K. Phillips executed and delivered to the United States of America acting through the Farmers Home Administration their Promissory Note in the amount of \$27,500.00, payable in yearly installments, with interest thereon at the rate of nine (9) percent per annum.

9. That on July 28, 1981, Anthony R. Phillips and Linda K. Phillips executed and delivered to the United States of America acting through the Farmers Home Administration their Promissory Note in the amount of \$82,330.00, payable in yearly installments, with interest at the rate of 13½ percent per annum.

10. That on July 28, 1981, Anthony R. Phillips and Linda K. Phillips executed and delivered to the United States of America acting through the Farmers Home Administration, their Promissory Note in the amount of \$17,970.00, payable in yearly installments, with interest thereon at the rate of five (5) percent per annum.

11. That as security for the payment of the notes described in paragraphs 5 and 6 above, Anthony R. Phillips and Linda K. Phillips, executed and delivered to the United States of America, acting through the Farmers Home Administration, a real estate mortgage dated October 6, 1978, covering the above described property.

12. That as security for the payment of the note described in paragraph 7 above, Anthony R. Phillips and Linda K. Phillips, executed and delivered to the United States of America, acting through the Farmers Home Administration, a real estate mortgage dated December 7, 1978, covering the above described property.

13. That as security for the payment of the notes described in paragraphs 5, 6, 7, and 8 above, Anthony R. Phillips and Linda K. Phillips, executed and delivered to the United States of America, acting through the Farmers Home Administration, a real estate mortgage dated May 18, 1979, covering the above described property.

14. That as security for the payment of the notes described in paragraphs 5, 6, 7, 8, 9, and 10 above, Anthony R. Phillips and Linda K. Phillips, executed and delivered to the

United States of America, acting through the Farmers Home Administration, a real estate mortgage dated July 28, 1981, covering the above described property.

15. That the Defendants, Anthony R. Phillips and Linda K. Phillips, made default under the terms of the aforesaid promissory notes and mortgages by reason of their failure to make the installments due thereon, which default has continued and that by reason thereof the Defendants, Anthony R. Phillips and Linda K. Phillips are indebted to the Plaintiff in the sum of \$283,705.18 as unpaid principal, plus accrued interest of \$70,464.99 as of June 6, 1983, plus interest accruing thereafter at the rate of \$74.1216 per day until judgment, plus interest from the date of judgment at the legal rate until paid, plus the costs of this action accrued and accruing.

16. That the Defendants, County Treasurer and Board of County Commissioners, Delaware County, Oklahoma, have a lien on the property which is the subject matter of this action by virtue of personal property taxes due and owing plus penalties accrued and accruing in the total sum of \$822.56, which lien is inferior and subject to the first mortgage lien of Plaintiff, United States of America.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff, United States of America, have and recover judgment against the Defendants, Anthony R. Phillips and Linda K. Phillips, in the amount of \$283,705.18, plus accrued interest of \$70,464.99 as of June 6, 1983, plus interest accruing thereafter at the \$74.1216 per day until judgment, plus interest from the



date of judgment at the legal rate until paid, plus costs of the action accrued and accruing.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of the Defendants, Anthony R. Phillips and Linda K. Phillips, to satisfy the money judgment of the Plaintiff, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property herein, and apply the proceeds thereof as follows:

First:

In payment of the costs of this action, accrued and accruing, incurred by the Plaintiff, including the costs of sale of said real property;

Second:

In payment of the judgment rendered herein in favor of Plaintiff;

Third:

In payment to the Defendants, County Treasurer and Board of County Commissioners, Delaware County, Oklahoma, the amount of \$822.56 of personal property taxes and penalties accrued thereon which are presently due and owing on said real property.

The surplus from said sale, if any, shall be deposited with the Clerk of the Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the sale of the above described real property, under and by virtue of this judgment and decree, the Defendants and all persons claiming under them since the filing of the Complaint herein, be and they are forever barred and foreclosed of any right, title, interest, or claim in or to the subject real property, or any part thereof.

s/H. DALE COOK

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H. DALE COOK, CHIEF  
UNITED STATES DISTRICT JUDGE

APPROVED:

THOMAS H. MAY, District Attorney,  
Delaware County, Oklahoma

By: Waldo F. Bales  
WALDO F. BALES, Assistant  
District Attorney, Attorney  
for Defendants County Treasurer  
and Board of County Commissioners,  
Delaware County, Oklahoma

FRANK KEATING  
United States Attorney

By: Peter Bernhardt  
PETER BERNHARDT, Assistant  
United States Attorney

Entered

JUN 27 1983

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

WAYNE EUGENE FORTUNE, )  
 )  
Plaintiff, )  
 )  
vs. ) No. 83-C-351-B  
 )  
OFFICER SHIRLEY ALLEN, et al., )  
 )  
Defendants. )

O R D E R

This motion comes before the Court on defendants' Motion to Dismiss under F.R.Civ.P. 12(b)(6). The Court notes plaintiff attempted to respond to the motion, but his response was rejected because it was on paper of an improper size. No further attempt has been made to respond. Nevertheless, the Court is ruling on this motion on its merits. For the reasons set out below, defendants' motion is hereby granted.

In order to prevail on a Motion to Dismiss, defendants must establish that plaintiff can prove no set of facts in support of his claim which would entitle him to relief. Haines v. Kerner, 404 U.S. 519 (1972). In deciding the motion, the Court must assume the allegations contained in the complaint are true. Gardner v. Toilet Goods Ass'n., 387 U.S. 167 (1957).

In the present case plaintiff asserts liability due to defendants' negligent conduct in the breaking of plaintiff's antenna while shaking down plaintiff's cell, coupled with lack of provision by the state of a pre-deprivation of property hearing.

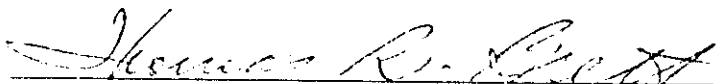
Accepting the allegations contained in the complaint as true, the Court concludes the plaintiff fails to state a claim upon which relief can be granted. Defendants' alleged act of negligently breaking plaintiff's antenna while shaking down plaintiff's cell, resulted in deprivation of property not as a result of some established state procedure, but as the result of the unauthorized failure of an agent of the state to follow established state procedure. Obviously, in such a situation, it is not possible for the state to provide a pre-deprivation of property hearing.

The "existence of an adequate state remedy to redress property damage inflicted by state officers avoids the conclusion that there has been any constitutional deprivation of property without due process of law within the meaning of the Fourteenth Amendment." Bonner v. Coughlin, 435 U.S. 932 (1978). Here, the State of Oklahoma provides a post-deprivation tort remedy which would make the plaintiff whole in regards to his deprivation of property. The relevant Oklahoma Statutes, 76 Okl.St. Ann. 1981, §5(a), 12 Okl.St. Ann. 1981 §1751, and 74 Okl.St. Ann. 1981 §204, provide for compensation of a plaintiff tortiously injured by the state. The existence of an adequate remedy in state tort law precludes the plaintiff from claiming violation of due process based upon deprivation of property. Parratt v. Taylor, 451 U.S. 527 (1981).

Defendants' Motion to Dismiss is hereby granted.

IT IS SO ORDERED.

ENTERED this 27<sup>th</sup> day of September, 1983.



THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

**FILED**

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

SEP 27 1983

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CURRENCY OF \$9,300.00,

Defendant.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

CIVIL ACTION NO. 82-C-668-E


JUDGMENT

On September 13, 1983 this matter came on for non-jury trial. The Plaintiff, United States of America, appeared by Frank Keating, United States Attorney for the Northern District of Oklahoma, through Nancy A. Nesbitt, Assistant United States Attorney, and the claimant to the Defendant \$9,300.00 in currency, Geronimo Sanchez, appeared by his attorney Samuel P. Manipella.

After consideration of the evidence and authorities presented by the parties, and being fully advised in the premises, the Court finds that the Plaintiff has sustained its burden under 21 U.S.C. §881 of establishing probable cause that the Defendant \$9,300.00 was furnished in exchange for a controlled substance, and that the claimant has failed to prove by a preponderance of the evidence that this currency was not so used in violation of the law.

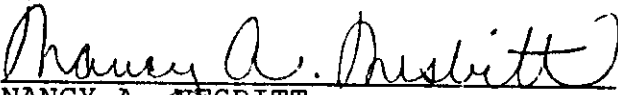
Pursuant to the findings above, judgment is hereby entered in favor of the Plaintiff, United States of America, and against the Defendant \$9,300.00 in currency, and against the


claimant, Geronimo Sanchez; said sum of \$9,300.00 is hereby forfeited to the Plaintiff, United States of America. The Plaintiff is further awarded its costs herein.

  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

UNITED STATES OF AMERICA

FRANK KEATING  
United States Attorney

  
NANCY A. NESBITT  
Assistant United States Attorney

  
SAMUEL P. MANIPELLA  
Attorney for Claimant

*Entered*

FILED

SEP 27 1983

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

JACOB L. SHIVERS, CLERK  
U.S. DISTRICT COURT

LLOYD G. SHIVERS and ISAAC	)	
HACKETT JOHNSTON, Co-Administrators	)	
of the Estate of Jerol F. Johnston,	)	
Deceased,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	No. 79-C-417-BT
CLAUDE MICHAEL DAVIS, et al.,	)	(CONSOLIDATED WITH)
	)	(79-C-418-BT & )
Defendants.	)	(79-C-419-BT )

JUDGMENT

Comes on to be heard before this Court the above styled cause pursuant to its regular setting for jury trial and the Plaintiffs, LLOYD G. SHIVERS and ISAAC HACKETT JOHNSTON, Co-Administrators of the Estate of Jerol F. Johnston, Sr., Deceased, and the Estate of Janie Johnston, Deceased, and as Co-Guardians of the person and property of Joseph F. Johnston, a minor under Letters of Guardianship issued by the Surrogate of Union County, New Jersey and JEROL F. JOHNSON, JR., an adult, through their attorney, WILLIAM R. GRIMM; and the Defendants, CLAUDE MICHAEL DAVIS, and CAROLINA CASUALTY INSURANCE COMPANY, through their attorney RICHARD D. WAGNER, the

Defendant T.L.C. FARM LINES, INC., a foreign corporation, through its attorneys, RICHARD D. WAGNER and TERRY TIPPENS, the Defendant TOM LANGE COMPANY, through its attorneys DALE F. McDANIEL and TERRY TIPPENS.

All of said parties announce ready for trial and agree to waive a jury and submit this case upon the stipulation and agreements of the parties hereto for settlement as to all matters in controversy between the parties, the issues having been fully compromised and settled subject to the approval of this Court. That in accordance therewith, the parties hereto do stipulate and agree and submit for approval to this Court the following terms of said compromise settlement, to-wit:

1. The Defendant CAROLINA CASUALTY INSURANCE COMPANY shall pay to the Co-Administrators of the Estate of Jerol F. Johnston, Sr., deceased, the sum of FIFTY THOUSAND DOLLARS (\$50,000.00); and shall pay to the Co-Administrators of the Estate of Janie L. Johnston, deceased, the sum of FIFTY THOUSAND DOLLARS (\$50,000.00); and shall further pay the sum of TWELVE THOUSAND FIVE HUNDRED DOLLARS (\$12,500.00) to JEROL F. JOHNSTON, JR. and TWELVE THOUSAND FIVE HUNDRED DOLLARS (\$12,500.00) to LLOYD G. SHIVERS and ISAAC HACKETT JOHNSTON, Co-Guardians for JOSEPH F. JOHNSTON, a minor; and shall pay ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) to the law firm of



BARROW, GADDIS, GRIFFITH & GRIMM for attorneys fees and expenses in connection with the settlement on behalf of JEROL F. JOHNSTON, JR. and JOSEPH F. JOHNSTON, a minor;

2. The Defendant TOM LANGE COMPANY shall furnish separate, fully prepaid annuities from AETNA LIFE INSURANCE AND CASUALTY COMPANY for the benefit of JOSEPH F. JOHNSTON and JEROL F. JOHNSTON, JR. providing for certain guarantee payments over their lifetime. A copy of said Agreements being affixed hereto as Exhibits "A" and "B" and made a part hereof as though fully set forth hereinafter.

3. That the consideration for the compromise settlement provided in paragraphs 1 and 2 above by the respective Defendants is to be considered a single consideration provided jointly by all Defendants and that said joint consideration has a total present value of FOUR HUNDRED FIFTEEN THOUSAND DOLLARS (\$415,000.00).

4. The Court, after considering the affidavit of WILLIAM R. GRIMM, attorney for the Plaintiffs, together with the magnitude and complexity of the action before the Court and considering the results obtained, and the fact that the Plaintiffs had a contingency contract with the firm of BARROW, GADDIS, GRIFFITH & GRIMM for thirty percent (30%) of the total recovery made, and upon consent and recommendation of the

Co-Guardians in this matter, it is the opinion and finding that an attorney fee in the sum of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) should be awarded to the firm of BARROW, GADDIS, GRIFFITH & GRIMM as their attorneys fees for the representation of the Co-Guardians in this matter by reason of the results achieved for JEROL F. JOHNSTON, JR. and the minor, JOSEPH F. JOHNSTON. Furthermore, that each Estate would pay to BARROW, GADDIS, GRIFFITH & GRIMM a separate fee in the sum of FIFTEEN THOUSAND DOLLARS (\$15,000.00) each for representation of their interest in this matter, all in accordance with their Agreement.

Whereupon, the Court having considered the Stipulation for a Compromise Settlement, review of the terms of such Compromise Settlement and being aware of the magnitude and complexity of this action, finds that it is in the best interests of the minor child, JOSEPH F. JOHNSTON, of the Estates of Jerol F. Johnston, Sr. and Janie L. Johnston, and for JEROL F. JOHNSTON, JR. to enter judgment in accordance with the compromise settlement.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the compromise settlement agreement be and the same is in all respects approved and ratified.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by this Court that the Plaintiffs shall have and recover from the Defendants CAROLINA CASUALTY COMPANY, T.L.C. FARM LINES, INC. and CLAUDE MICHAEL DAVIS the following, to-wit:

1. The sum of FIFTY THOUSAND DOLLARS (\$50,000.00) cash to be paid to the Plaintiffs as Co-Administrators of the Estate of Jerol F. Johnston, Sr.

2. The sum of FIFTY THOUSAND DOLLARS (\$50,000.00) cash to be paid to the Plaintiffs as Co-Administrators of the Estate of Janie L. Johnston.

3. The sum of TWELVE THOUSAND FIVE HUNDRED DOLLARS (\$12,500.00) cash to be paid to the Plaintiffs as Co-Guardians of the person and Estate of JOSEPH F. JOHNSTON, a minor.

4. The sum of TWELVE THOUSAND FIVE HUNDRED DOLLARS (\$12,500.00) cash to be paid directly to JEROL JOHNSTON, JR.

5. The sum of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) cash to be paid directly to the law firm of BARROW, GADDIS, GRIFFITH & GRIMM for representation of the interest of the Plaintiffs as Co-Guardians for JOSEPH JOHNSTON, a minor, and JEROL F. JOHNSTON, JR., now emancipated.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by this Court that the Plaintiff have and recover from the Defendant, TOM LANGE COMPANY, the following, to-wit:

1. A fully prepaid annuity from AETNA LIFE INSURANCE AND CASUALTY COMPANY providing for certain monthly payments, all as set forth on Exhibits "A" and "B" attached hereto and made a part hereof as though fully set forth hereinafter.

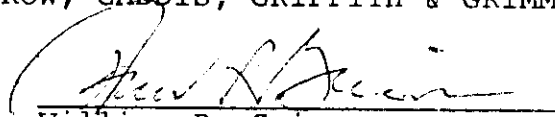
IT IS FURTHER ORDERED, ADJUDGED AND DECREED by this Court that all causes of action included or which could have been included in the consolidated actions 79-C-417-BT, 74-C-418-BT and 79-C419-BT are hereby compromised and settled and each party shall bear its own costs and attorney fees, except as herein agreed.

DATED this 26<sup>th</sup> day of September, 1983.

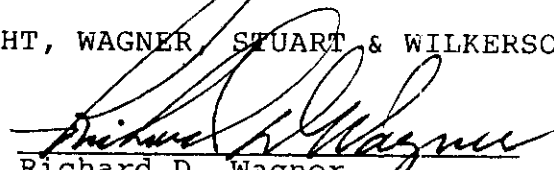
  
UNITED STATES DISTRICT JUDGE

APPROVED AND AGREED:

BARROW, GADDIS, GRIFFITH & GRIMM

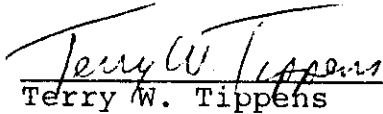
By   
William R. Grimm  
610 S. Main, Suite 300  
Tulsa, OK 74119  
(918) 584-1600  
ATTORNEYS FOR PLAINTIFFS

KNIGHT, WAGNER, STUART & WILKERSON

By   
Richard D. Wagner  
ATTORNEYS FOR T.L.C. FARM LINES, INC.  
CAROLINA CASUALTY INSURANCE  
COMPANY and CLAUDE MICHAEL DAVIS

FELLERS, SNIDER, BLANKENSHIP,  
BAILEY & TIPPENS, P.C.

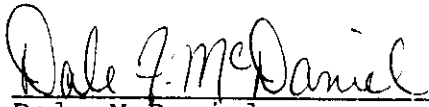
By



Terry W. Tippens  
ATTORNEYS FOR T.L.C. FARM LINES,  
INC. and TOM LANGE COMPANY

MCDANIEL & MERIDITH

By



Dale McDaniel  
ATTORNEYS FOR TOM LANGE COMPANY

WRG/1

AGREEMENT

THIS AGREEMENT made and entered into this 16 day of September, 1983 by and between AETNA CASUALTY AND SURETY COMPANY, INC. ("AETNA") and LLOYD G. SHIVERS and ISAAC HACKETT JOHNSTON, Co-Guardians of the Estate and Person of JOSEPH F. JOHNSTON, a minor ("JOHNSTON") for the compromise and settlement of all claims arising out of that action pending before the United States District Court for the Northern District of Oklahoma under Case No. 79-C-417-BT, Consolidated with 79-C-418-BT and 79-C-419-BT.

That in consideration of mutual covenants and agreements herein contained, and to effectuate the settlement of the above captioned action, the parties do hereby agree as follows, to-wit:

JOHNSTON agrees to accept as full and final settlement for all claims arising out of the above captioned action for the guaranteed sums as set out hereafter and to be paid by AETNA hereunder, together with the monies paid by other parties to said actions.

AETNA agrees and promises to pay to JOHNSTON, or his Personal Representatives, the sum of TWO HUNDRED FIFTY DOLLARS

(\$250.00) per month, beginning on October 15, 1983 for the remainder of JOHNSTON's life and guaranteed for a minimum of 480 months. In the event of JOHNSTON's death, prior to the expiration of 480 months, the remaining monthly payments, in the guaranteed period, shall continue to be paid monthly to JOHNSTON's estate as they fall due, and not in a lump sum.

As further consideration, AETNA promises to pay JOHNSTON, or his personal representatives, the following lump sums, to-wit:

1. On October 15, 1989, the sum of TEN THOUSAND DOLLARS (\$10,000.00).

2. On October 15, 1990, the sum of TEN THOUSAND DOLLARS (\$10,000.00).

3. On October 15, 1991, the sum of TEN THOUSAND DOLLARS (\$10,000.00).

4. On October 15, 1993, the sum of TEN THOUSAND DOLLARS (\$10,000.00).

5. On October 15, 1995, the sum of FIFTY THOUSAND DOLLARS (\$50,000.00).

In the event of JOHNSTON's death prior to October 15, 1995, the remaining guaranteed lump sum payments shall be paid on the designated dates as set forth above, and not before, to

his personal representatives of his estate until all such guaranteed payments have been paid.

As consideration of the guaranteed payments aforedescribed, JOHNSON agrees to forever discharge the TOM LANGE COMPANY, and its officers and agents and employees, T.L.C. FARM LINES, INC., and its officers and agents and employees, CLAUDE MICHAEL DAVIS and CAROLINA CASUALTY INSURANCE COMPANY, from all claims, demands, damages and action of whatsoever nature or kind arising from the aforesaid actions.

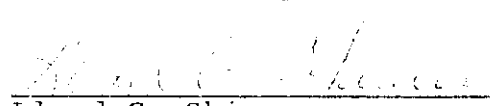
Upon JOHNSTON obtaining his majority, all such sums shall be paid directly unto him, unless otherwise required by law. Mr. JOHNSTON shall advise AETNA of the proper address to send said payments.

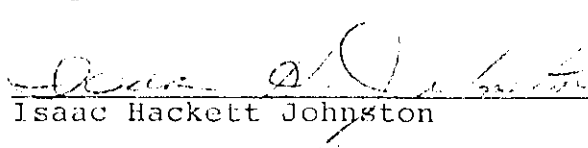
AETNA CASUALTY AND SURETY  
COMPANY, INC.

By

  
Steve Iler,  
Supervisor, Commercial Claims

Co-Guardians of the Estate and  
Person of Joseph Johnston

  
Lloyd G. Shivers

  
Isaac Hackett Johnston



STATE OF OKLAHOMA     )  
                                      ) SS.  
COUNTY OF TULSA     )

BEFORE ME, a Notary Public in and for said County and State, on this 16<sup>th</sup> day of September, 1983, personally appeared John Doe, to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its Supervisor, and acknowledged to me that he executed the same as his free and voluntary act and deed, and as the free and voluntary act and deed of such corporation, for the uses and purposes therein set forth.

WITNESS my hand and official seal the day and year last above written.

Marjorie J. Lawrence  
Notary Public

My Commission Expires:

10-28-84

STATE OF NEW JERSEY     )  
                                      ) SS.  
COUNTY OF UNION     )

BEFORE ME, a Notary Public in and for said County and State, on this 19<sup>th</sup> day of September, 1983, personally appeared Lloyd G. Shivers, to me known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

Carol A. Smith  
Notary Public

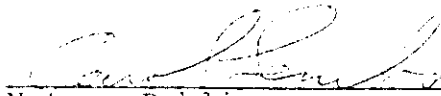
My Commission Expires:

June 29, 1988

STATE OF OKLAHOMA     )  
                                      ) SS.  
COUNTY OF TULSA     )

BEFORE ME, a Notary Public in and for said County and State, on this 17<sup>th</sup> day of September, 1983, personally appeared Isaac Hackett Johnston, to me known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

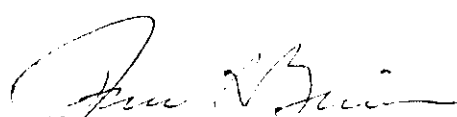
  
\_\_\_\_\_  
Notary Public

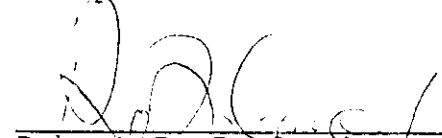
My Commission Expires:

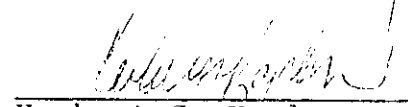
June 29, 1988

APPROVED:

BARROW, GADDIS, GRIFFITH & GRIMM

  
\_\_\_\_\_  
Attorneys for the Co-Guardians  
of the Estate and Person of  
Joseph F. Johnston

  
\_\_\_\_\_  
Robert J. Cardonsky

  
\_\_\_\_\_  
Herbert C. Kaplan  
Attorneys for the Co-Guardians  
of the Estate and Person of  
Joseph F. Johnston

WRG001

AGREEMENT

THIS AGREEMENT made and entered into this 11 day of September, 1983, by and between AETNA CASUALTY AND SURETY COMPANY, INC. ("AETNA") and JEROL F. JOHNSTON, JR. ("JOHNSTON") for the compromise and settlement of all claims arising out of that action pending before the United States District Court for the Northern District of Oklahoma under Case No. 79-C-417-BT, Consolidated with 79-C-418-BT and 79-C-419-BT.

That in consideration of mutual covenants and agreements herein contained, and to effectuate the settlement in the above captioned action, the parties do hereby agree as follows, to-wit:

JOHNSTON agrees to accept as full and final settlement for all claims arising out of the above captioned action for the guaranteed sums as set out hereafter and to be paid hereunder by AETNA, together with the monies paid by other parties to said actions.

AETNA agrees and promises to pay JOHNSTON, or his personal representatives, the following monthly sums, beginning on October 15, 1983, for the remainder of JOHNSTON's life, and said sums are guaranteed for a minimum of 360 months as set forth hereafter.

1. Commencing October 15, 1983, and for a period of Sixty (60) months thereafter, the sum of FIVE HUNDRED DOLLARS (\$500.00) per month;

2. Commencing October 15, 1988, and for a period of Sixty (60) months thereafter, the sum of SEVEN HUNDRED FIFTY DOLLARS (\$750.00) per month;

3. Commencing October 15, 1993, and for a period of Sixty (60) months thereafter, the sum of ONE THOUSAND DOLLARS (\$1,000.00) per month;

4. Commencing October 15, 1998, and for a period of Sixty (60) months thereafter, the sum of ONE THOUSAND TWO HUNDRED FIFTY DOLLARS (\$1,250.00) per month;

5. Commencing October 15, 2003, and for a period of Sixty (60) months thereafter, the sum of FIFTEEN HUNDRED DOLLARS (\$1,500.00) per month;

6. Commencing October 15, 2008, and for a period of Sixty (60) months thereafter, the sum of ONE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$1,750.00) per month;

7. Commencing October 15, 2013, and for the remainder of his life, the sum of TWO THOUSAND DOLLARS (\$2,000.00) per month.

In the event of JOHNSTON's death, prior to the expiration of 360 months, any remaining monthly payments in the guaranteed period shall continue to be paid to JOHNSTON's estate or designated representatives on a monthly basis and shall not cause a lump sum payment to be due or an acceleration of any lump sum payment with respect to this agreement..

As further consideration, AETNA promises to pay JOHNSTON, or his personal representatives, the following lump sums, to-wit:

1. Commencing October 15, 1989, and thereafter on the fifteenth day of October in each succeeding year thereafter, the sum of FIVE THOUSAND DOLLARS (\$5,000.00) per year for a period of ten (10) years, until the sum of FIFTY THOUSAND DOLLARS (\$50,000.00) has been paid;

2. On October 15, 1999, the sum of FIFTEEN THOUSAND DOLLARS (\$15,000.00);

3. On October 15, 2004, the sum of TEN THOUSAND DOLLARS (\$10,000.00); and

4. On October 15, 2009, the sum of TEN THOUSAND DOLLARS (\$10,000.00).

In the event of JOHNSTON's death prior to October 15, 2009, the remaining guaranteed lump sum payments shall be paid

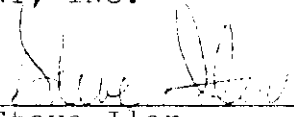
on the designated dates of the agreement, and not before, to JOHNSTON's personal representatives for his estate until all such guaranteed payments have been paid.

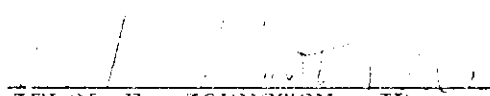
As consideration of the guaranteed payments aforedescribed, JOHNSTON agrees to forever discharge the TOM LANGE COMPANY, and its officers and agents and employees, T.L.C. FARM LINES, INC., and its officers and agents and employees, CLAUDE MICHAEL DAVIS, and CAROLINA CASUALTY INSURANCE COMPANY, from all claims, demands, damages, and actions of whatsoever nature or kind arising from the aforesaid actions.

IN WITNESS HEREOF, the parties have executed this Agreement on the date and year first written above.

AETNA CASUALTY AND SURETY  
COMPANY, INC.

By

  
\_\_\_\_\_  
Steve Iler,  
Supervisor, Commercial Claims

  
\_\_\_\_\_  
JEROL F. JOHNSTON, JR.

STATE OF OKLAHOMA     )  
                                  ) SS.  
COUNTY OF TULSA     )

BEFORE ME, a Notary Public in and for said County and State, on this 16<sup>th</sup> day of September, 1983, personally appeared Alan Paul, to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its maker, and acknowledged to me that he executed the same as his free and voluntary act and deed, and as the free and voluntary act and deed of such corporation, for the uses and purposes therein set forth.

WITNESS my hand and official seal the day and year last above written.

M. J. Lawrence  
Notary Public

My Commission Expires:

10-21-84

STATE OF NEW JERSEY     )  
                                  ) SS.  
COUNTY OF UNION     )

BEFORE ME, a Notary Public in and for said County and State, on this 17<sup>th</sup> day of September, 1983, personally appeared JEROL F. JOHNSTON, JR., to me known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

Carol Lembo  
Notary Public

My Commission Expires:

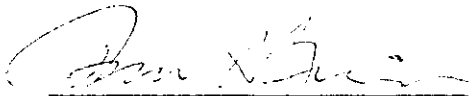
CAROL LEMBO

A Notary Public of New Jersey

~~My Commission Expires June 29, 1988~~

APPROVED:

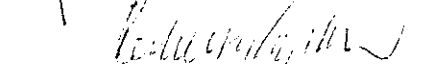
BARROW, GADDIS, GRIFFITH & GRIMM



Attorneys for Jerol F. Johnston, Jr.



Robert J. Cardonsky



Herbert C. Kaplan  
Attorneys for Jerol F. Johnston, Jr.

BGGG04/d



UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

MELVIN J. EVANS,

Plaintiff,

vs.

MARGARET M. HECKLER,  
Secretary of Health and  
Human Services of the  
United States of America,

Defendant.

CIVIL ACTION NO. 83-C-431-E

**FILED**

SEP 26 1983

Jack O. Silver, Clerk  
U. S. DISTRICT COURT

O R D E R

For good cause shown, pursuant to 42 U.S.C. §405(g),  
this cause is remanded for further administrative action.

Dated this 23<sup>rd</sup> day of September, 1983.

*[Signature]*  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

SEP 26 1983

W. C. SILVER, CLERK  
DISTRICT COURT

LINDA S. CLINTON,

Plaintiff,

vs.

No. 82-C-706-C


HOUSING AUTHORITY OF THE CITY  
OF TULSA, a public corporation,

Defendant.

J U D G M E N T

Pursuant to the Findings of Fact and Conclusions of Law filed simultaneously herein, Judgment is hereby entered in favor of plaintiff Linda S. Clinton and against defendant Housing Authority of the City of Tulsa for \$11,734.00, together with prejudgment interest to April 30, 1983, in the amount of \$1,865.00, plus costs and attorney fees to be determined.

It is so Ordered this 23<sup>rd</sup> day of September, 1983.

  
H. DALE COOK  
Chief Judge, U. S. District Court

Entered  
SEP 23 1983

IN THE UNITED STATES DISTRICT COURT FOR P 23 1983

THE NORTHERN DISTRICT OF OKLAHOMA  
K. C. SILVER, CLERK  
DISTRICT COURT

C.I.T. CORPORATION,	)	
a corporation,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 80-C-529-B
	)	
HAMPTON INDUSTRIES, INC.,	)	
a corporation, and ELDEN L.	)	
HAMPTON,	)	
	)	
Defendants.	)	

JOURNAL ENTRY OF JUDGMENT

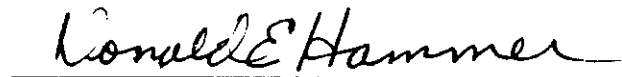
ON this 22<sup>nd</sup> day of September, 1983, the above case comes on for trial and judgment by consent as to the above individual Defendant, Elden L. Hampton; the Court, after hearing the stipulations of counsel and being fully advised in the premises, finds that judgment should be entered herein by consent and agreement against the individual Defendant, Elden L. Hampton, together with interest, court costs and attorneys fees; the action as against the corporate defendant, Hampton Industries, Inc., remains stayed pending a final determination in bankruptcy.

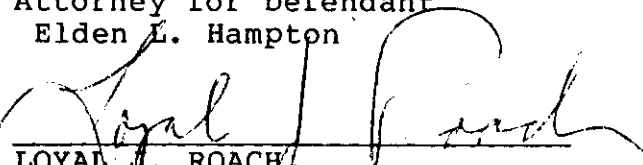
IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that C.I.T. Corporation have and recover judgment against Elden L. Hampton for the sum of \$151,523.43 together with interest thereon at the rate of 15% per annum until paid together with the costs of this action and a reasonable attorney's fee in the sum

of \$10,000.00, for all of which let execution issue.

  
UNITED STATES DISTRICT JUDGE

APPROVED:

  
DONALD HAMMER,  
Attorney for Defendant  
Elden L. Hampton

  
LOYAL J. ROACH,  
Attorney for Plaintiff,  
C.I.T. Corporation

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

SEP 23 1983

JOHN G. SILVER, CLERK  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES E. ESLICK, a/k/a JAMES E.  
ESLICK, JR., and WILMA J. ESLICK,  
husband and wife; FEDERAL NATIONAL  
MORTGAGE ASSOCIATION, a corporation;  
WORLD AND TRIBUNE FEDERAL CREDIT  
UNION, a federal corporation; ACT  
SERVICES, INC., as Trustee for  
Vaughan-Jacklin Corporation and  
Ball Seed Company; JAMES H. COOK,  
d/b/a JAMES COOK COMPANY; DALE K.  
WILLIAMS; E-PK (Eddie Pierce &  
Eddie Kirkland); RURAL WATER  
DISTRICT NO. 3 OF WASHINGTON COUNTY,  
OKLAHOMA; COUNTY TREASURER and  
BOARD OF COUNTY COMMISSIONERS OF  
TULSA COUNTY, OKLAHOMA; and L. W.  
BARNETT,

Defendants.

) Civil Action No. 81-C-753C

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 23 day  
of Sept, 1983. The Plaintiff appears by Frank Keating,  
United States Attorney for the Northern District of Oklahoma,  
through Peter Bernhardt, Assistant United States Attorney; the  
Defendant, Federal National Mortgage Association, appears by its  
attorney Thomas S. Vandivort; the Defendant, World and Tribune  
Federal Credit Union, appears by its attorney, Larry S. Harral;  
the Defendant, Act Services, Inc., as trustee for Vaughan-Jacklin  
Corporation and Ball Seed Company, appears by its attorney,  
Robert H. Tips; the Defendant, James H. Cook, d/b/a James Cook

Company, appears by its attorney, Frank E. Turner; the Defendants, County Treasurer and Board of County Commissioners of Tulsa County, Oklahoma, appear by their attorney, David A. Carpenter, Assistant District Attorney, Tulsa County, Oklahoma; and the Defendants, James E. Eslick, a/k/a James E. Eslick, Jr., Wilma J. Eslick, Dale K. Williams, E-PK (Eddie Pierce & Eddie Kirkland), Rural Water District No. 3 of Washington County, Oklahoma, and L. W. Barnett, appear not.

The Court being fully advised and having examined the file herein finds that the Defendant, James E. Eslick, a/k/a James E. Eslick, Jr., was served with Summons and Amended Complaint on June 8, 1983; that the Defendant, Wilma J. Eslick, was served with Summons and Amended Complaint on June 8, 1983; that the Defendant, Federal National Mortgage Association, was served with Summons and Amendment to Complaint on February 25, 1982; that the Defendant, World and Tribune Federal Credit Union, was served with Summons and Amendment to Complaint on February 26, 1983; that the Defendant, James H. Cook, d/b/a James Cook Company, was served with Summons, Complaint and Amendment to Complaint on February 24, 1982; that the Defendant, Dale K. Williams, was served with Summons, Complaint and Amended Complaint on July 12, 1983; that the Defendant, County Treasurer, Tulsa County, Oklahoma, was served with Summons, Complaint and Amendment to Complaint on February 23, 1982; that the Defendant, Board of County Commissioners, Tulsa County, Oklahoma, was served with Summons, Complaint and Amendment to Complaint on February 23, 1982; and that the Defendant, L. W. Barnett, was

served with Summons, Complaint and Amendment to Complaint on February 25, 1982, and with Alias Summons and Amended Complaint on August 29, 1983.

It appears that the Defendant, Federal National Mortgage Association, has filed its Answer Amended Counterclaim and Cross-Petition on August 2, 1983; that the Defendant, World and Tribune Federal Credit Union, has filed its Answer and Cross-Petition on January 3, 1982; that the Defendant, Act Services, Inc., as trustee for Vaughan-Jacklin Corporation and Ball Seed Company, has filed its Answer and Cross-Complaint on July 15, 1982; that the Defendant, James H. Cook, d/b/a James Cook Company, has filed its Answer on March 2, 1982; that the Defendant, County Treasurer, Tulsa County, Oklahoma, has filed its Answer on March 11, 1982; that the Defendant, Board of County Commissioners, Tulsa County, Oklahoma, has filed its Answer on March 11, 1982; that the Defendant, E-PK (Eddie Pierce & Eddie Kirkland) has filed its Disclaimer on June 17, 1983; that the Defendant, L. W. Barnett, has filed his Disclaimer on July 15, 1983; that the Defendant, Rural Water District No. 3 of Washington County, Oklahoma, has been dismissed from this action by virtue of a Dismissal Without Prejudice filed by Plaintiff on July 13, 1983; that the Defendants, James E. Eslick, a/k/a James E. Eslick, Jr., Wilma J. Eslick and Dale K. Williams, have failed to answer and their default has been entered by the Clerk of this Court on August 19, 1983.

The Court further finds that this is a suit based upon a certain promissory note and for foreclosure of a real estate

mortgage securing said promissory note upon the following described real property located in Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma:

The Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section 24, Township 22 North, Range 12 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof.

THAT on December 14, 1978, the Defendants, James E. Eslick, a/k/a James E. Eslick, Jr., and Wilma J. Eslick, husband and wife, executed and delivered to the United States of America, acting through the Farmers Home Administration, their promissory note in the amount of \$26,500.00, payable in annual installments, with interest thereon at the rate of 8 1/2 percent per annum.

That as security for the payment of the above described note, the Defendants, James E. Eslick, a/k/a James E. Eslick, Jr., and Wilma J. Eslick, husband and wife, executed and delivered to the United States of America, acting through the Farmers Home Administration, a real estate mortgage dated December 14, 1978, covering the above described property.

The Court further finds that the Defendants, James E. Eslick, a/k/a James E. Eslick, Jr., and Wilma J. Eslick, made default under the terms of the aforesaid promissory note by reason of their failure to make the annual installments due thereon, which default has continued and that by reason thereof the above named Defendants are now indebted to the Plaintiff in the sum of \$26,615.00 as unpaid principal, plus accrued interest of \$7,064.62 as of March 3, 1983, plus interest accruing



thereafter at the rate of 8 1/2 percent per annum or \$6.1978 per day until judgment, plus interest accruing from the date of judgment at the legal rate until paid, plus the costs of this action accrued and accruing.

That on January 30, 1973, James Edward Eslick and Wilma Eslick, husband and wife, executed and delivered to Finance Corporation their promissory note in the amount of \$34,000.00, with interest thereon at the rate of 7 percent per annum.

That as security for the payment of the above described note, James Edward Eslick and Wilma Eslick, executed and delivered to Finance Corporation a real estate mortgage dated January 30, 1973, covering the above described property. That this mortgage was assigned by Finance Corporation to the Defendant, Federal National Mortgage Association, by an Assignment of Mortgage dated April 19, 1973.

That the Defendant, Federal National Mortgage Association, executed a Partial Release of Mortgage on December 4, 1978, releasing its interest in the following portion of the above described real property located in Tulsa County, Oklahoma:

South 130 feet of East 275 feet of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section 24, Township 22 North, Range 12 East of the Indian Base and Meridian.

That there remains due and owing on the aforesaid mortgage of the Defendant, Federal National Mortgage Association, the sum of \$34,797.05 as unpaid principal, plus interest at the rate of 7 percent per annum from September 1, 1981, until paid,

and attorney's fee of 10 percent of such amounts, plus the costs of this action.

That on May 2, 1975, James E. Eslick, Jr., and Wilma J. Eslick executed and delivered to the Defendant, World and Tribune Federal Credit Union, their promissory note in the amount of \$10,837.50, with interest thereon at the rate of 12 percent per annum.

That as security for the payment of the above described note, James E. Eslick, Jr., and Wilma J. Eslick executed and delivered to World and Tribune Federal Credit Union a real estate mortgage dated May 2, 1975, covering the above described property.

That the Defendants, James E. Eslick and Wilma J. Eslick, defaulted in the terms of said note and mortgage in that they failed to pay the installments when due, and that by reason thereof the above named Defendants are indebted to the Defendant, World and Tribune Federal Credit Union, in the sum of \$8,211.87, plus interest at the rate of 12 percent per annum until judgment, plus costs of the action and a reasonable attorney's fee.

That on August 31, 1977, James E. Eslick, Jr., and Wilma J. Eslick executed and delivered to the Defendant, World and Tribune Federal Credit Union, their promissory note in the amount of \$9,500.00, with interest thereon at the rate of 12 percent per annum.

That as security for the payment of the above described note, James E. Eslick, Jr., and Wilma J. Eslick executed and delivered to World and Tribune Federal Credit Union a real estate

mortgage dated August 31, 1977, covering the above described property.

The Court further finds that the Defendants, James E. Eslick, Jr., and Wilma J. Eslick, defaulted in the terms of said note and mortgage in that they failed to pay the installments when due, and that by reason thereof the above named Defendants are indebted to World and Tribune Federal Credit Union in the sum of \$9,864.98, plus interest thereon at 12 percent per annum until judgment, the costs of this action and a reasonable attorney's fee.

That the Defendant, World and Tribune Federal Credit Union, executed a Partial Release, releasing its interest in the following portion of the above described property located in Tulsa County, Oklahoma:

South 130 feet of East 275 feet of the  
Northeast Quarter (NE/4) of the Northeast  
Quarter (NE/4) of the Northeast Quarter  
(NE/4) of Section 24, Township 22 North,  
Range 12 East of the Indian Base and  
Meridian.

That on May 29, 1981, the Defendants, James E. Eslick and Wilma J. Eslick, executed and delivered to the Defendant, Act Services, Inc., as trustee for Vaughan-Jacklin Corporation and Ball Seed Company, their promissory note in the amount of \$24,006.21, with interest thereon at the rate of 12 percent per annum.

That as security for the payment of the above described note, James E. Eslick and Wilma J. Eslick executed and delivered to Act Services, Inc., as trustee for Vaughan-Jacklin Corporation

and Ball Seed Company, a real estate mortgage dated May 29, 1981, covering the above described property.

The Court further finds that the Defendants, James E. Eslick and Wilma J. Eslick, defaulted under the terms of the aforesaid promissory note and real estate mortgage in that they failed to make payments as required thereunder, and that by reason thereof the above named Defendants are indebted to the Defendant, Act Services, Inc., as trustee for Vaughan-Jacklin Corporation and Ball Seed Company, in the amount of \$24,006.21 as unpaid principal, plus interest at the rate of 12 percent per annum from May 29, 1981, until paid, a reasonable attorney's fee and the costs of this action accrued and accruing.

That the Defendant, James H. Cook, d/b/a James Cook Company, has a judgment lien against the property which is the subject matter of this action by virtue of a judgment entered in the District Court of Tulsa County, Oklahoma, in case No. CSJ-81-1740, styled: James H. Cook, d/b/a James Cook Company v. Jim Eslick. Said judgment was recorded on July 31, 1981, in the Office of the County Clerk on Tulsa County, Oklahoma, in the principal amount of \$784.00 with interest thereon at the rate of 12 percent per annum, plus an attorney's fee of \$334.00, plus court costs.

That there remains due and owing on the aforesaid judgment of the Defendant, James H. Cook, d/b/a James Cook Company, the principal amount of \$784.00 with interest thereon at the rate of 12 percent per annum from the date of judgment until

paid, plus an attorney's fee of \$334.00, and that the aforesaid amount of the judgment remains wholly unsatisfied.

That the Defendants, County Treasury, Tulsa County, Oklahoma, and the Board of County Commissioners, Tulsa County, Oklahoma, have a lien on the property which is the subject matter of the above styled action by virtue of ad valorem taxes in the amount of \$ — 0 —.

That the Defendant, Board of County Commissioners, Tulsa County, Oklahoma, has an interest in the subject property by virtue the existing street right-of-way along the north and east sides of the subject property, said right-of-way having previously been dedicated to the public for roadway use and having never been abandoned since that dedication.

The Court further finds that the aforescribed liens of Plaintiff and Defendants are to be accorded the priorities hereinafter set forth with respect to the two portions of the real property involved in this action as follows:

Real property:

The Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section 24, Township 22 North, Range 12 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, EXCEPT South 130 feet of East 275 feet of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section 24, Township 22 North, Range 12 East.

Priorities:

First Lien: Defendants, County Treasurer and Board of County Commissioners, Tulsa County, Oklahoma, for any ad valorem taxes due with respect to the subject property.

Second Lien: Defendant, Federal National Mortgage Association.

Third Lien: Defendant, World and Tribune Federal Credit Union.

Fourth Lien: Defendant, World and Tribune Federal Credit Union.

Fifth Lien: Plaintiff, United States of America.

Sixth Lien: Defendant, Act Services, Inc., as trustee for Vaughan-Jacklin Corporation and Ball Seed Company.

Seventh Lien: Defendant, James H. Cook, d/b/a James Cook Company.

Real Property:

The South 130 feet of East 275 feet of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section 24, Township 22 North, Range 12 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.

Priorities:

First Lien: Defendants, County Treasurer and Board of County Commissioners, Tulsa County, Oklahoma, for any ad valorem taxes due with respect to the subject property.

Second Lien: Plaintiff, United States of America.

Third Lien: Defendant, Act Services, Inc., as trustee for Vaughan-Jacklin Corporation and Ball Seed Company.

Fourth Lien: Defendant, James H. Cook, d/b/a James Cook Company.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff, United States of America, have and recover judgment against the Defendants, James E. Eslick, a/k/a James E. Eslick, Jr., and Wilma J. Eslick, husband and wife, in the principal amount of \$26,615.00, plus accrued interest of \$7,064.62 as of March 3, 1983, with interest accruing thereafter at the rate of 8 1/2 percent per annum or \$6.1978 per day until judgment, plus interest from the date of judgment at the legal rate until paid, plus costs of the action accrued and accruing.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendants, County Treasurer and Board of County Commissioners, Tulsa County, Oklahoma, have and recover judgment in the amount of \$0, plus costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendant, Federal National Mortgage Association, have and recover judgment against the Defendants, James E. Eslick, a/k/a James E. Eslick, Jr., and Wilma J. Eslick, in the sum of \$34,797.05, plus interest at the rate of 7 percent per annum from September 1, 1981, until paid, plus an attorney's fee in the amount of \$3,479.70, plus the costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendant, World and Tribune Federal Credit Union, have and recover judgments against the Defendants, James E. Eslick, a/k/a James E. Eslick, Jr., and Wilma J. Eslick, in the sum of \$8,211.87, plus interest at the rate of 12 percent per annum,

plus a reasonable attorney's fee in the sum of \$821.19, plus the costs of this action, and in the sum of \$9,864.98, plus interest at the rate of 12 percent per annum, plus a reasonable attorney's fee in the amount of \$986.50, plus the costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendant, Act Services, Inc., as trustee for Vaughan-Jacklin Corporation and Ball Seed Company, have and recover judgment against the Defendants, James E. Eslick, a/k/a James E. Eslick, Jr., and Wilma J. Eslick, in the sum of \$24,006.21, plus interest at the rate of 12 percent per annum from May 29, 1981, until paid, plus an attorney's fee in the amount of \$2,400.62, plus the costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendant, James H. Cook, d/b/a James Cook Company, have and recover judgment against the Defendants, James E. Eslick, a/k/a James E. Eslick, Jr., and Wilma J. Eslick, in the sum of \$784.00, plus interest at the rate of 12 percent per annum, plus an attorney's fee of \$334.00, plus costs of the action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of Defendants, James E. Eslick, a/k/a James E. Eslick, Jr., and Wilma J. Eslick, to satisfy the money judgment of the Plaintiff herein, an order of sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property herein, and apply the proceeds thereof as follows:

Real Property:

The Northeast Quarter (NE/4) of the Northeast  
Quarter (NE/4) of the Northeast Quarter



(NE/4) of Section 24, Township 22 North, Range 12 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, EXCEPT South 130 feet of East 275 feet of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section 24, Township 22 North, Range 12 East.

First:

In payment of the costs of this action, accrued and accruing incurred by the Plaintiff, including the costs of sale of said real property;

Second:

In payment to the Defendants, County Treasurer and Board of County Commissioners, Tulsa County, Oklahoma, the amount of \$ —0—, property taxes which are presently due and owing on said real property;

Third:

In payment of the Judgment rendered herein in favor of the Defendant, Federal National Mortgage Association, in the principal sum of \$34,797.05, with interest thereon at the rate of 7 percent per annum from September 1, 1981, until paid, an attorney's fee in the sum of \$3,479.70 and the costs and expenses of this action;

Fourth:

In payment of the Judgment rendered herein in favor of the Defendant, World and Tribune Federal Credit Union, on its first claim for relief in the amount of \$8,211.87, plus interest, costs and attorneys' fees in the sum of \$821.19;

Fifth:

In payment of the Judgment rendered herein in favor of the Defendant, World and Tribune Federal Credit Union, on its second claim for relief in the amount of \$9,864.98, plus interest, costs and attorneys' fees in the sum of \$986.50;

Sixth:

In payment of the Judgment rendered herein in favor of Plaintiff, United States of America;

Seventh:

In payment of the Judgment rendered herein in favor of the Defendant, Act Services, Inc., as trustee for Vaughan-Jacklin Corporation and Ball Seed Company;

Eighth:

In payment of the Judgment rendered herein in favor of the Defendant, James H. Cook, d/b/a James Cook Company.

Real property:

The South 130 feet of East 275 feet of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section 24, Township 22 North, Range 12 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.

First:

In payment of the costs of this action, accrued and accruing incurred by the Plaintiff, including the cost of sale of said real property;

Second:

In payment to the Defendants, County Treasurer and Board of County Commissioners, Tulsa County, Oklahoma, the amount

of \$ —0—, property taxes which are presently due and owing on said real property;

Third:

In payment of the Judgment rendered herein in favor of the Plaintiff, United States of America;

Fourth:

In payment of the Judgment rendered herein in favor of the Defendant, Act Services, Inc., as trustee for Vaughan-Jacklin Corporation and Ball Seed Company;

Fifth:

In payment of the Judgment rendered herein in favor of the Defendant, James H. Cook, d/b/a James Cook Company.

The surplus from said sale, if any, shall be deposited with the Clerk of the Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of the above described real property, under and by virtue of this judgment and decree, the Defendants and all persons claiming under them since the filing of the Complaint herein, be and they are forever barred and foreclosed of any right, title, interest or claim in or to the subject real property or any part thereof.

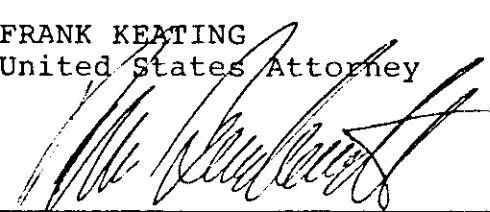
(Signed) H. Dale Cook

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H. DALE COOK  
CHIEF UNITED STATES DISTRICT JUDGE

APPROVED:

FRANK KEATING  
United States Attorney



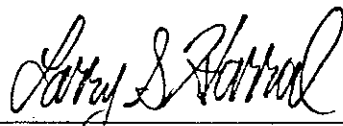
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PETER BERNHARDT  
Assistant United States Attorney

*Att'y. Gen. for*  
*Thomas S. Vandivort*

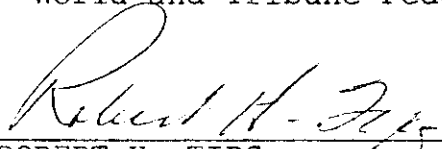
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THOMAS S. VANDIVORT  
3150 East 41st Street, No. 103  
Tulsa, Oklahoma 74105  
Attorney for Defendant,  
Federal National Mortgage Association




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LARRY S. HARRAL  
1717 East 15th Street  
Tulsa, Oklahoma 74104  
Attorney for Defendant,  
World and Tribune Federal Credit Union



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ROBERT H. TIPS  
500 Mid-Continent Building  
Tulsa, Oklahoma 74103  
Attorney for Defendant,  
Act Services, Inc., as Trustee for  
Vaughan-Jacklin Corporation and  
Ball Seed Company



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FRANK E. TURNER  
~~525 South Main, Suite 210~~ 2805 E Shelly Dr, Suite 806  
Tulsa, Oklahoma 74105  
Attorney for Defendant,  
James H. Cook, d/b/a  
James Cook Company



DAVID A. CARPENTER

Assistant District Attorney  
Tulsa County, Oklahoma  
406 Tulsa County Courthouse  
Tulsa, Oklahoma 74103  
Attorney for Defendants,  
County Treasurer and  
Board of County Commissioners,  
Tulsa County, Oklahoma

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

SEP 23 1983

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

REV. JIM BARTLOW, et al.,  
Plaintiffs,  
vs.  
U. S. GOVERNMENT, et al.,  
Defendants.


No. M-1097-C

O R D E R

Now before the Court sua sponte is the motion of Rev. James Bartlow, et al. for permission to proceed in forma pauperis.

Since plaintiffs' complaint fails to comply with the Federal Rules of Civil Procedure and with the Rules of this Court, plaintiffs' motion must be and hereby is denied and the action herein is dismissed.

It is so Ordered this 23<sup>rd</sup> day of September, 1983.

  
H. DALE COOK  
Chief Judge, U. S. District Court

FILED

SEP 23 1983

W. C. SILVER, CLERK  
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
MICHAEL D. BEREE,	)	
	)	
Defendant.	)	CIVIL ACTION NO. 83-C-444-E


NOTICE OF DISMISSAL

COMES NOW the United States of America by Frank Keating, United States Attorney for the Northern District of Oklahoma, Plaintiff herein, through Philard L. Rounds, Jr., Assistant United States Attorney, and hereby gives notice of its dismissal, pursuant to Rule 41, Federal Rules of Civil Procedure, of this action without prejudice.

Dated this 23 day of September, 1983.

UNITED STATES OF AMERICA

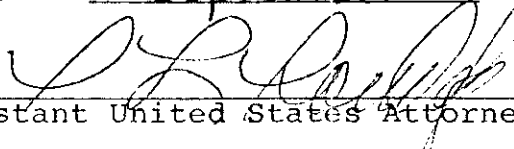
FRANK KEATING  
United States Attorney

  
PHILARD L. ROUNDS, JR.  
Assistant United States Attorney

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing pleading was served on each of the parties hereto by mailing the same to them or to their attorneys of record on the

23<sup>rd</sup> day of September, 1983.

  
\_\_\_\_\_  
Assistant United States Attorney

Entered

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

SEP 23 1983

UNITED STATES OF AMERICA, )

Plaintiff, )

v. )

LELA M. LAWSON; DEPARTMENT OF )  
PUBLIC WELFARE OF THE STATE OF )  
OKLAHOMA, a/k/a DEPARTMENT OF )  
HUMAN SERVICES OF THE STATE )  
OF OKLAHOMA; COUNTY TREASURER )  
and BOARD OF COUNTY )  
COMMISSIONERS, Ottawa County, )  
Oklahoma, )

Defendants. )

CIVIL ACTION NO. 83-C-24-B

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 22<sup>nd</sup> day  
of September, 1983. The Plaintiff appears by Frank  
Keating, United States Attorney for the Northern District of  
Oklahoma, through Peter Bernhardt, Assistant United States  
Attorney; the Defendant, Department of Public Welfare of the  
State of Oklahoma, a/k/a Department of Human Services of the  
State of Oklahoma, appears by its Deputy General Counsel,  
Thomas H. Tucker; the Defendants County Treasurer, Ottawa County,  
Oklahoma, and Board of County Commissioners, Ottawa County,  
Oklahoma, appear by David L. Thompson, Assistant District  
Attorney, Ottawa County, Oklahoma; and the Defendant, Lela M.  
Lawson, appears not.

The Court being fully advised and having examined the  
file herein finds that the Defendant, Lela M. Lawson, was served  
with Alias Summons and First Amended Complaint on July 6, 1983;  
that the Defendant, Department of Public Welfare of the State of



Oklahoma, a/k/a Department of Human Services of the State of Oklahoma, was served with Summons and First Amended Complaint on April 11, 1983; that the Defendant, County Treasurer, Ottawa County, Oklahoma, executed an Acknowledgment of Receipt of Summons and Complaint on April 13, 1983, which was filed on April 15, 1983; and that the Defendant, Board of County Commissioners, Ottawa County, Oklahoma, executed an Acknowledgment of Receipt of Summons and Complaint on April 18, 1983, which was filed on April 19, 1983.

It appears that the Defendant Department of Public Welfare of the State of Oklahoma, a/k/a Department of Human Services of the State of Oklahoma, filed its Answer and Cross-Petition on May 2, 1983; that the Defendants, County Treasurer and Board of County Commissioners, Ottawa County, Oklahoma, filed their Answer on September 2, 1983; and that the Defendant, Lela M. Lawson, has failed to answer and her default has been entered by the Clerk of this Court on August 9, 1983.

The Court further finds that this is a suit based upon a certain promissory note and for foreclosure of a real estate mortgage securing said promissory note upon the following described real property located in Ottawa County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Eight (8), in Block Five (5), in the Town of Fairland, Ottawa County, Oklahoma, according to the recorded plat thereof; and

Lots Seven (7) and Ten (10), Block Thirty-seven (37), Town of Afton, Ottawa County, Oklahoma.

That on November 14, 1978, Lela M. Lawson executed and delivered to the United States of America, acting through the

Farmers Home Administration, her promissory note in the amount of \$16,900.00, payable in monthly installments, with interest thereon at the rate of 8½ percent per annum.

That as security for the payment of the above described note, Lela M. Lawson executed and delivered to the United States of America, acting through the Farmers Home Administration, a real estate mortgage dated November 14, 1978, covering the above described property.

The Court further finds that the Defendant, Lela M. Lawson made default under the terms of the aforesaid promissory note by reason of her failure to make the monthly installments due thereon, which default has continued and that by reason thereof the Defendant, Lela M. Lawson, is indebted to the Plaintiff in the sum of \$16,737.60 as unpaid principal, plus accrued interest of \$1,661.50 as of October 7, 1982, plus interest thereafter at the rate of 8½ percent per annum or \$3.8978 per day until judgment, plus interest thereafter at the legal rate until paid, plus the costs of this action accrued and accruing.

That the Defendant, Department of Public Welfare of the State of Oklahoma, a/k/a Department of Human Services of the State of Oklahoma, has a lien against the property which is the subject matter of this action by reason of an affidavit of acknowledgment of indebtedness executed and delivered by Lela M. Lawson to the Department of Public Welfare of the State of Oklahoma, a/k/a Department of Human Services of the State of Oklahoma, on November 6, 1981, which was recorded in Book 410,

Page 908, in the records of Ottawa County. This lien constitutes a second lien on the property involved in this action and is subordinate and subject to the prior and first lien of Plaintiff.

That there remains due and owing on the aforesaid second lien of the Defendant, Department of Public Welfare of the State of Oklahoma, a/k/a Department of Human Services of the State of Oklahoma, the sum of \$3,105.00.

That the Defendants, County Treasurer, Ottawa County, Oklahoma, and Board of County Commissioners, Ottawa County, Oklahoma, have a lien on the property which is the subject matter of this action by virtue of personal property taxes in the amount of \$22.79. This lien constitutes a third lien on the subject property and is inferior and subject to the first lien of Plaintiff and the second lien of the Defendant, Department of Public Welfare of the State of Oklahoma, a/k/a Department of Human Services of the State of Oklahoma.

IT IS THEREFORE ORDERED, ADJUDGED, and DECREED that the Plaintiff have and recover judgment against the Defendant, Lela M. Lawson, in the amount of \$16,737.60, plus accrued interest of \$1,661.50 as of October 7, 1982, plus interest thereafter at the rate of  $8\frac{1}{2}$  percent per annum or \$3.8978 per day until judgment, plus interest from the date of judgment at the legal rate until paid, plus costs of the action accrued and accruing.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Defendant, Department of Public Welfare of the State of Oklahoma, a/k/a Department of Human Services of the State of Oklahoma, have

and recover judgment against the Defendant, Lela M. Lawson, in the sum of \$3,105.00, plus costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Defendants, County Treasurer, Ottawa County, Oklahoma, and Board of County Commissioners, Ottawa County, Oklahoma, have and recover judgment against the Defendant, Lela M. Lawson, in the amount of \$22.79, plus costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that upon the failure of the Defendant, Lela M. Lawson, to satisfy the money judgment of the Plaintiff herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma commanding him to advertise and sell with appraisement the real property involved herein, and apply the proceeds thereof as follows:

First:

In payment of the costs of this action, accrued and accruing, incurred by the Plaintiff, including the costs of sale of said real property;

Second:

In payment of the judgment rendered herein in favor of Plaintiff;

Third:

In payment of the judgment rendered herein in favor of the Defendant, Department of Public Welfare of the State of Oklahoma,

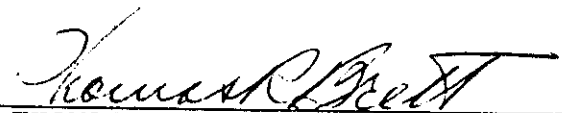
a/k/a Department of Human Services of the  
State of Oklahoma;

Fourth:

In payment to the Defendants, County Treasurer  
and Board of County Commissioners, Ottawa  
County, Oklahoma, the amount of \$22.79,  
personal property taxes which are presently  
due and owing on said real property.

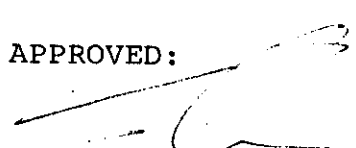
The surplus from said sale, if any, shall be deposited  
with the Clerk of the Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that from  
and after the sale of the above described real property, under  
and by virtue of this judgment and decree, the Defendants and all  
persons claiming under them since the filing of the Complaint  
herein, be and they are forever barred and foreclosed of any  
right, title, interest, or claim in or to the subject real  
property or any part thereof.



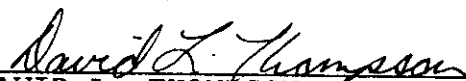
THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

APPROVED:

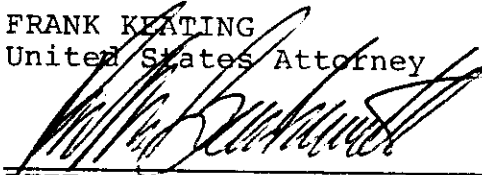
  

---

THOMAS H. TUCKER,  
Deputy General Counsel,  
Department of Human Services  
Attorney for Defendant,  
Department of Public Welfare of the  
State of Oklahoma, a/k/a  
Department of Human Services of the  
State of Oklahoma

  
DAVID L. THOMPSON  
Assistant District Attorney  
Ottawa County, Oklahoma  
Attorney for Defendants,  
County Treasurer and Board of  
County Commissioners, Ottawa  
County, Oklahoma

FRANK KEATING  
United States Attorney

  
PETER BERNHARDT  
Assistant United States Attorney

Entered

FILED

SEP 23 1983

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA  
MAVER, CLERK  
U.S. DISTRICT COURT

JAMES GARDNER and  
BRENDA GARDNER,

Plaintiffs,

vs.

No. 82-C-1116-B


FORD MOTOR COMPANY, a  
Delaware corporation,

Defendant.

ORDER OF DISMISSAL

On this 22<sup>nd</sup> day of September, 1983 upon written application of the parties for an order of dismissal with prejudice of the complaint and all causes of action, the Court having examined said application finds that said parties have entered into a compromise settlement covering all claims involved in the complaint and have requested the Court to dismiss the complaint with prejudice to any future action, and the Court having being fully advised in the premises, finds that said complaint should be dismissed. It is, therefore,

ORDERED, ADJUDGED and DECREED by the Court that the complaint and all causes of action of the Plaintiffs filed herein against the Defendant be and the same are hereby dismissed with prejudice to any further action.

  
THOMAS R. BRETT, JUDGE  
UNITED STATES DISTRICT COURT

Entered

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

SEP 22 1983

ACK. G. SHAW CLERK  
U.S. DISTRICT COURT

GREAT SOUTHWEST FIRE )  
INSURANCE COMPANY, an )  
Arizona Corporation, and )  
JEFFERSON INSURANCE COMPANY )  
OF NEW YORK, A New York )  
Corporation, )

Plaintiffs, )

vs. )

LEROY ELROD, MARY ELROD, )  
and ROJAN CORPORATION, )

Defendants. )

No. 82-C-871-B

O R D E R

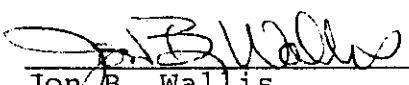
ON this 21 day of September, 1983, the  
joint application of the parties for an Order dismissing  
with prejudice the plaintiff's Complaint and the defendants'  
Counter-claims came on before the Court for hearing. The  
Court finds that the parties have entered into a full  
and complete settlement of all the issues involved herein  
and therefore orders that the plaintiff's Complaint and  
the defendants' Counter-claims are dismissed with prejudice.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED  
that plaintiff's Complaint and defendants' Counter-claim  
are hereby dismissed with prejudice.

  
JUDGE OF THE DISTRICT COURT

  
Dennis King, Attorney for  
plaintiffs

  
Don Gasaway

  
Jon B. Wallis  
Attorney for LeRoy Elrod



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED  
SEP 22 1983

CALVIN RAY PAUL,

)  
Plaintiff, )

- vs - )

CITY OF TULSA, OKLAHOMA, )  
A Municipal Corporation, )

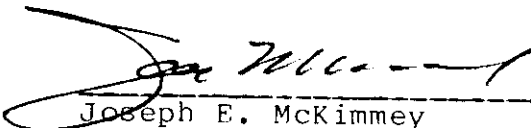
)  
Defendant.)

No. 83-C-500-C

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

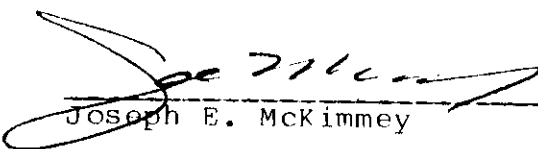
DISMISSAL WITHOUT PREJUDICE

Comes now Calvin Ray Paul, by and through his attorney, Joseph E. McKimmey, and dismisses the above styled and numbered cause, without prejudice to the filing of a new cause of action. There is no objection by defendant to this dismissal without prejudice.

  
\_\_\_\_\_  
Joseph E. McKimmey  
Attorney for Plaintiff  
24 E. Highland  
Shawnee, Oklahoma 74801  
(405) 275-3564

CERTIFICATE OF MAILING

I certify that on August 31, 1983, I mailed a copy of the above and foregoing to Mr. Rick S. Passo, Assistant City Attorney, 200 Civic Center, Room 1012, Tulsa, Oklahoma 74103.

  
\_\_\_\_\_  
Joseph E. McKimmey

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

SEP 22 1983

DUKE HOMES. a division of )  
Windsor Mobile Homes, Inc., )  
an Ohio corporation, )  
Plaintiff, )

v. )

PARK AND FLYNN CORPORATION, )  
d/b/a COUNTRY BOY MOBILE )  
HOMES, INC., an Oklahoma )  
corporation, JOHN M. FLYNN )  
and REBECCA A. FLYNN, )  
Defendants. )

442  
No. 83-C-422-E

OK C. SILVER, CLERK  
DISTRICT COURT

DEFAULT JUDGMENT

COMES NOW the Plaintiff, Duke Homes, and the Defendant, Park and Flynn Corporation, d/b/a Country Boy Mobile Homes, Inc. comes not, in reference to Plaintiff's Motion for Default filed in this Court on August 29, 1983. The Court, having considered the Motion, sustains the Plaintiff's Motion for Default in the amount of \$42,600.00 plus interest at the statutory rate, plus attorney fees ~~of \$10,000.00~~ **TO BE FIXED BY THE COURT.** based upon the ground that Defendant's Answer to Plaintiff's Original Complaint has not been filed within the requisite twenty (20) days.

  
UNITED STATES DISTRICT JUDGE

G.K. as to [unclear]  
Jack [unclear]  
Sept 12 1983

FILED

SEP 22 1983

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

BENJAMIN WILLIAM SCOTT, )  
 )  
 Petitioner, )  
 )  
 vs. ) No. 83-C-776-C  
 )  
 JOHN N. BROWN, et al., )  
 )  
 Respondents. )

O R D E R

Now before the Court sua sponte is the petition for a Writ of Habeas Corpus of Benjamin William Scott, pursuant to 28 U.S.C. Section 2254 by a person in state custody.

Petitioner must allege, and has failed to do so, that he is without state remedies or that resort to state remedies would be futile. Therefore, he is required to exhaust state remedies prior to seeking relief and failure to do so is a proper basis for dismissal of the petition. Berry v. Ricketts, et al., No. 81-1284 (10th Cir. Feb. 9, 1983); Herring v. Rodriguez, 372 F.2d 470 (10th Cir. 1967).

Therefore, it is the Order of the Court that the petition herein for a Writ of Habeas Corpus should be and hereby is dismissed.

It is so Ordered this 22<sup>nd</sup> day of September, 1983.

  
H. DALE COOK  
Chief Judge, U. S. District Court

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

**FILED**

MILDRED TRUMBULL and M. T. )  
PRODUCTS LIMITED, a corporation, )

Plaintiffs, )

vs. )

BERNARD GERSHON, )

Defendant. )

No. 81-C-625-E

**SEP 22 1983**

**Jack C. Silver, Clerk  
U. S. DISTRICT COURT**

STIPULATION AND  
JOURNAL ENTRY

COMES NOW the parties hereto and make and agree to the following stipulations as, for and by way of settlement of the above captioned case:

That the above captioned case shall be passed and continued according to the terms hereof, and that this Court shall retain jurisdiction over the parties hereto and the subject matter hereof;

That the Defendant, Bernard Gershon, shall pay to the Plaintiffs, Mildred Trumbull and M. T. Products Limited, the sum of seven thousand five hundred dollars (\$7,500.00) in settlement of the above captioned case and said payment shall be made according to the terms hereof;

That the first payment shall be due twelve (12) months from the date of this stipulation and all payments shall be due on the first day of each month, and that, thus, the first payment shall be due on the first day of October, 1984;

That the payments shall be in the amount of two hundred dollars (\$200.00) per month until paid in full;

That there shall be interest on the unpaid balance at a rate of eight per cent (8%) annually until paid in full;

That any payment thirty (30) days past due shall be considered delinquent and that the Plaintiffs may, at their option, after two (2) consecutive payments become delinquent, apply to this Court for a judgment against the Defendant for the remaining unpaid balance, and the Court may enter such a judgment after the Defendant has had an opportunity to show cause, if there be any, why such a judgment should not be entered against him;

That the Defendant's attorney, Kenneth G. Shouse, shall accept service of any notices or other documents on behalf of and for the Defendant which may be required in the above captioned case;

That the Plaintiffs and the Defendant enter into this agreed to stipulation for the only purpose of settlement, and that neither the Plaintiffs nor Defendant admit nor plead any guilt or liability for actions alleged in the pleadings on file herein;

That the Plaintiffs and Defendant agree to dismiss with prejudice any and all claims and counter-claims on file herein upon the payment in full of the amount referred to above;

That the Defendant shall make payments to the attorney for the Plaintiffs, Mr. Frank R. Hickman, 16 East 16th Street, Suite 300, Tulsa, Oklahoma 74119, and that payments shall be payable to Mr. Hickman with a notation thereon of "For Mildred Trumbull and M. T. Products Limited", and that payments may be made by depositing the same in an addressed envelope with postage prepaid thereon, with the U. S. Post Office.

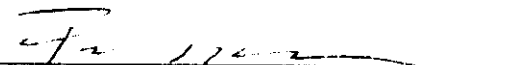
That the Defendant shall have the right of pre-payment, in full or in part, at any time, of the amount referred to herein, as he may so desire, and that the interest shall reduced accordingly;

That the signatures of the attorneys for the parties which appear below evidences the parties acceptance hereof and agreement hereto, and the signature of the Honorable Judge Ellison, which appears below, evidences the Court's acceptance of continuing jurisdiction hereof.

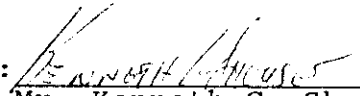
  
HONORABLE JUDGE ELLISON

APPROVED AS TO FORM AND  
ACCEPTANCE OF AND AGREEMENT  
TO STIPULATION:

MILDRED TRUMBULL and M. T.  
PRODUCTS LIMITED

By:   
Mr. Frank R. Hickman  
ATTORNEY FOR PLAINTIFFS

BERNARD GERSHON

By:   
Mr. Kenneth G. Shouse  
ATTORNEY FOR DEFENDANT

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED  
IN OPEN COURT

SEP 24 1983

Jack G. Siler, Clerk  
COURT

SALLY HERD, individually, and )  
as surviving spouse of Leslie Paul Herd, )  
Deceased, and SALLY HERD, as parent )  
and next friend of Paul Herd, Darrin )  
Herd, and Stacy Herd, all minors, )

Plaintiffs, )

vs. )

NO. 82-C-472-E )

CRANE MANUFACTURING AND )  
SERVICE CORPORATION, a Wisconsin )  
Corporation, and OZARK ENGINEERING )  
CO., a Missouri Corporation, )

Defendants. )

ORDER OF DISMISSAL

On this 21st day of September, 1983, upon the written application of the parties for a Dismissal with Prejudice of the Complaint and all causes of action, the Court having examined said Application, finds that said parties have entered into a compromised settlement covering all claims involved in the Complaint and have requested the Court to dismiss said Complaint with prejudice to any future action. The Court finds, that the following sums are being paid to the parent, Sally Herd, of the minor plaintiffs and to Sally Herd, individually, and as surviving spouse of Leslie Paul Herd, deceased, to wit:

A. ELEVEN THOUSAND FIVE HUNDRED DOLLARS AND NO/100  
(\$11,500.00) to Sally Herd, individually and as surviving spouse of  
Leslie Paul Herd.

B. ELEVEN THOUSAND FIVE HUNDRED DOLLARS AND NO/100  
(\$11,500.00) to Sally Herd as parent and next friend of and on  
behalf of, Paul Herd, Darrin Herd, and Stacy Herd, all minors,  
said sum to be distributed to the minors in sums as follows:

1. Paul Herd - THREE THOUSAND EIGHT HUNDRED THIRTY  
THREE DOLLARS AND 34/100 (\$3,833.34).




2. Darrin Herd - THREE THOUSAND EIGHT HUNDRED THIRTY  
THREE DOLLARS AND 33/100 (\$3,833.33).
3. Stacy Herd - THREE THOUSAND EIGHT HUNDRED THIRTY  
THREE DOLLARS AND 33/100 (\$3,833.33).

That Sally Herd, as parent of said minors, is ordered to place in a trust account in the Community First Bank, Tulsa, Okla., said sums awarded to the minors which will be kept in trust until the minors reach their majority.

- C. TWENTY THOUSAND DOLLARS AND NO/100 (\$20,000.00) to be  
awarded as attorney fees to plaintiffs' attorney.
- D. SEVEN THOUSAND DOLLARS AND NO/100 (\$7,000.00) of said sum  
to be deducted as expenses of litigation.


The Court being fully advised in the premises, finds that the Complaint should be dismissed pursuant to said Application and the funds distributed in accordance with the provisions set forth above.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court, that the Complaint and all causes of action of the plaintiffs filed herein against the defendants be in the same hereby are dismissed with prejudice to any future action.


  
JUDGE OF THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

APPROVALS:


DALE WARNER

  
Attorney for Plaintiffs

RICHARD HONN

  
Attorney for Defendant Crane Manufacturing

KNIGHT, WAGNER, STUART, WILKERSON & LIEBER

  
Stephen C. Wilkerson  
Attorney for Ozark Engineering Company

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

20 30

SEP 21 1983

W. C. SILVER, CLERK  
U.S. DISTRICT COURT

C.I.T. CORPORATION, )  
 )  
Plaintiff, )  
 )  
vs. ) No. 83-C-651-C  
 )  
ERNIE'S DOZER SERVICE, INC., )  
 )  
Defendant. )

DEFAULT JUDGMENT

On this 21 day of September, 1983, the request of the Plaintiff herein for default judgment against Defendant, Ernie's Dozer Service, Inc., comes on for consideration; the Court finds that judgment should be entered by default pursuant to Rule 55 of the Federal Rules of Civil Procedure and in accordance with the Affidavit of Default filed herein by Plaintiff.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that Plaintiff, C.I.T. Corporation, have and recover judgment against Defendant, Ernie's Dozer Service, Inc., for the sum of \$59,140.00 together with interest thereon at the rate of 18% per annum from March 14, 1983, together with the costs of this action in the sum of \$60.00 and a reasonable attorney's fee in the sum of \$8,871.00, for all of which let execution issue.

/s/ H. DALE COOK  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

DYCO PETROLEUM CORPORATION, )  
a Minnesota corporation, )  
Plaintiff, )  
vs. )  
RICKS EXPLORATION COMPANY, )  
an Oklahoma corporation, )  
Defendant. )

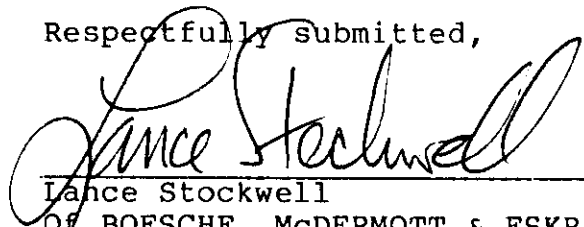
No. 83-C-604-C

NOTICE OF DISMISSAL

COMES NOW the Plaintiff, Dyco Petroleum Corporation, and states that in as much as Defendant, Ricks Exploration Company, has not filed any pleadings in this matter, that pursuant to Fed. R. Civ. P. 41(a)(1), Dyco Petroleum Corporation hereby dismisses, without prejudice to the filing of a future action upon the same matters, the Defendant, Ricks Exploration Company, from the above referenced proceeding.

Dated this 21st day of September, 1983.

Respectfully submitted,

  
Lance Stockwell  
OF BOESCHE, McDERMOTT & ESKRIDGE  
320 South Boston, Suite 1300  
Tulsa, Oklahoma 74103  
(918) 583-1777

ATTORNEYS FOR DYCO  
PETROLEUM CORPORATION

FILED  
SEP 21 1983  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Notice of Dismissal was placed in the United States mails on this 21st day of September, 1983 addressed to S. Tom West, Ricks Exploration Company, 600 North Harvey, P.O. Box 2077, Oklahoma City, Oklahoma 73101, with sufficient postage attached thereto.

James Stachwell

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

SEP 21 1983

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA, )

Plaintiff, )

vs. )

BARRY E. BRANHAM; JEAN ANN  
BRANHAM; COUNTY TREASURER,  
Mayes County, Oklahoma; BOARD  
OF COUNTY COMMISSIONER, Mayes  
County, Oklahoma; and H. GARY  
CARMAN, )

Defendants,) CIVIL ACTION NO. 82-C-522-C

JOURNAL ENTRY OF JUDGMENT

THIS MATTER COMES on for hearing before the Court on this  
*21<sup>st</sup>* day of *September*, 1983. The Plaintiff, United States  
of America, appears by Frank Keating, United States Attorney for  
the Northern District of Oklahoma, through Peter Bernhardt,  
Assistant United States Attorney; the Defendants, BARRY E.  
BRANHAM and JEAN ANN BRANHAM, appear by their attorney of record,  
David Van Horn; COUNTY TREASURER, Mayes County, Oklahoma, and  
BOARD OF COUNTY COMMISSIONERS, Mayes County, Oklahoma, appear by  
their attorney of record, Fred H. Sordahl, Assistant District  
Attorney, Mayes County, Oklahoma; and the Defendant, H. GARY  
CARMAN, appears by his attorney, GARY J. DEAN.

Upon examination of the court file, statement of counsel and  
parties and evidence adduced, the Court finds as follows:

1. All of the material allegations contained in Plaintiff's  
Complaint are true.

2. This Court has jurisdiction and venue over the subject matter and the parties hereto.

3. The Defendant, BARRY E. BRANHAM and JEAN ANN BRANHAM, have duly filed their Answer herein on March 7, 1983; the Defendants, COUNTY TREASURER, Mayes County, Oklahoma, and BOARD OF COUNTY COMMISSIONERS, Mayes County, Oklahoma, have duly filed their Answer herein on May 20, 1982 and September 23, 1982; and the Defendant, H. GARY CARMAN, has duly filed his Answer herein on October 13, 1982.

4. This is a suit based upon a mortgage note and for a foreclosure of a real property mortgage securing said mortgage note upon the following described real property located in Mayes County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Numbered One (1) and the North Fifteen (15) Feet of Lot Numbered Two (2), of Block Numbered Thirty-eight (38) of the Original Townsite of ADAIR, according to the United States Government Survey and Plat thereof.

5. The Defendants, BARRY E. BRANHAM and JEAN ANN BRANHAM, did on the 14th day of March, 1980, execute and deliver to the United States of America, acting through the Farmers Home Administration, their Promissory Note in the amount of \$29,000.00, payable in monthly installments, with interest thereon at the rate of nine percent (9%) per annum.

6. As security for the payment of the above described note, the Defendants, BARRY E. BRANHAM and JEAN ANN BRANHAM, did on the 14th day of March, 1980, execute and deliver to the United States of America, acting through the Farmers Home Administration, a Real Estate Mortgage covering the real property described above. This mortgage was recorded in Book 576, Page 880, in the records of Mayes County, Oklahoma, on March 14, 1980.

7. Defendants, BARRY E. BRANHAM and JEAN ANN BRANHAM, made default under the terms of the aforesaid note and mortgage by reason of their failure to make monthly installments due thereon, which default has continued and that by reason thereof the above-named Defendants are now due to the Plaintiff the principal sum of \$29,378.55, plus accrued interest of \$671.13 as of August 31, 1981, plus interest accruing thereafter at the rate of \$0.8049 per day until judgment, plus interest from the date of Judgment at the maximum rate permitted by law until the indebtedness is fully paid, plus any additional sums advanced or expended during this foreclosure action by the Plaintiff for taxes, insurance, abstracting, and sums for the preservation of the subject property, together with all costs of this action.

8. Plaintiff has a first and prior lien upon the real property and premises described above by virtue of the above described mortgage as security for the payment of said indebtedness, including interest, costs and sums advanced or expended by Plaintiff for taxes, insurance, abstracting and sums for preservation of the subject property.

9. All real estate and personal property taxes assessed against Defendants, BARRY E. BRANHAM and JEAN ANN BRANHAM, have been paid in full, and the Defendants, COUNTY TREASURER, Mayes County, Oklahoma, and BOARD OF COUNTY COMMISSIONERS, Mayes County, Oklahoma, hereby acknowledge receipt of payment in full of said real estate and personal property taxes and disclaim any right, title or interest in the real property which is the subject of this action.

10. There is due and owing to Defendant, H. GARY CARMAN, on the promissory note of the Defendants, BARRY E. BRANHAM and JEAN ANN BRANHAM, the principal amount of \$8,000.00 plus interest at ten percent (10%) compounded semi annually from June 6, 1981 plus attorney fees of \$1,200.00 by virtue of a second real estate mortgage covering the real estate described above, executed and delivered by the Defendants, BARRY E. BRANHAM and JEAN ANN BRANHAM, to Defendant, H. GARY CARMAN, on June 6, 1981, and filed of record on July 7, 1981, in Book 590, Page 805, in the records of Mayes County, Oklahoma.

11. The aforescribed mortgage of Defendant, H. GARY CARMAN, is a second morgage on the subject property and is subordinate, inferior, and subject to the first mortgage lien of Plaintiff, and is in default.

12. That the defendants, BARRY E. BRANHAM and JEAN ANN BRANHAM have been duly adjudicated bankrupts in cause numbered 81-00042 in the United States District Court for the Northern District of Oklahoma, and their debts to the plaintiff and the



defendant and cross-petitioner, H. GARY CARMAN, have been discharged in said cause, and therefore the plaintiff and CARMAN are only entitled to judgments herein in rem as against said real estate.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff, UNITED STATES OF AMERICA, have and recover in rem only as against the above described real estate, for the principal sum of \$29,378.55 with accrued interest thereon of \$671.13 as of August 31, 1981, plus interest accruing thereafter at the rate of \$0.8049 per day until judgment, plus interest from the date of judgment at the rate of 10.58 percent per annum until the indebtedness is fully paid, plus the costs of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Defendant, H. GARY CARMAN, have and recover judgment against the above described real estate in rem only, for the principal sum of \$8,000.00 with interest thereon at ten percent (10%) per annum compounded semi annually from June 6, 1981, and \$1,200 attorney fees, subject, however, to the first mortgage lien of Plaintiff heretofore described, and further subject to foreclosure as hereinafter directed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED an Order of Sale shall be issued to the United States Marshal for the Northern

District of Oklahoma, commanding him to advertise and sell with appraisement the real property and apply the proceeds as follows:

FIRST: In payment of the costs of this action, accrued and accruing, incurred by the Plaintiff, including cost of the sale of said real property;

SECOND: In payment of the judgment rendered herein in favor of the Plaintiff.

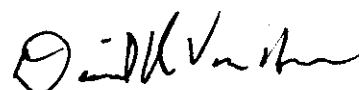
THIRD: In payment of the judgment rendered herein in favor of the Defendant, H. GARY CARMAN.

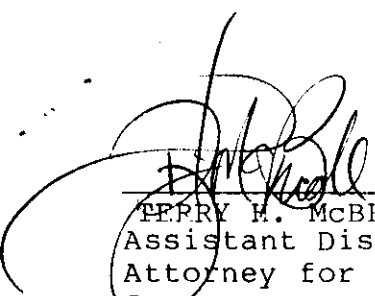
The residue, if any, shall be deposited with the Clerk of the Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the sale of said property, under and by virtue of this judgment and decree, all of the Defendants and all persons claiming under them since the filing of the Complaint herein are forever barred and foreclosed of any right, title, interest or claim to the real property or any part thereof.

  
H. DALE COOK  
CHIEF UNITED STATES DISTRICT JUDGE

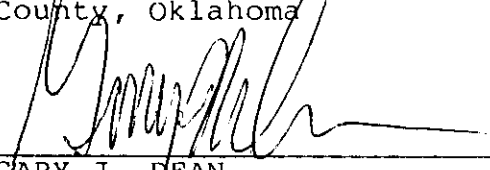
APPROVED:

  
DAVID R. VAN HORN  
Attorney for Defendants



---

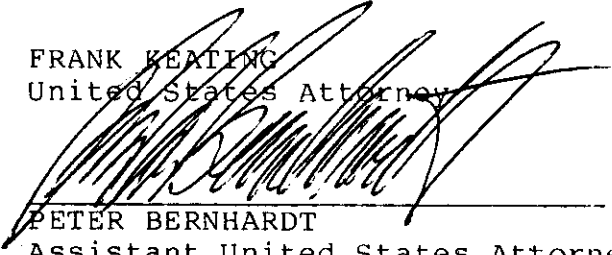
PERRY H. McBRIDE  
Assistant District Attorney  
Attorney for Defendants  
County Treasurer and Board  
of County Commissioners, Mayes  
County, Oklahoma



---

GARY J. DEAN  
Attorney for Defendant  
H. GARY CARMAN

FRANK KEATING  
United States Attorney



---

PETER BERNHARDT  
Assistant United States Attorney  
Attorney for Plaintiff  
(o)Carman & Carman1

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

*June* SEP 21 1983

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

MARILYN A. TURNBOW,  
Plaintiff,  
vs.  
PRUDENTIAL INSURANCE COMPANY  
OF AMERICA,  
Defendant and Third  
Party Plaintiff,  
vs.  
MARJORIE CLAMPITT,  
Third Party Defendant.

No. 83-C-1-C ✓

O R D E R

Now before the Court for its consideration is the motion of defendant, Counter-Claimant and Third-Party Plaintiff, Prudential Insurance Company of America, to sustain interpleader as to insurance proceeds and for costs and attorneys' fees, filed on June 10, 1983. The Court has no record of a response to this motion from either the plaintiff, Marilyn A. Turnbow, or the Third-Party defendant, Marjorie Clampitt. Rule 14(a) of the local Rules of the United States District Court for the Northern District of Oklahoma provides as follows:

(a) Briefs. Each motion, application and objection filed shall set out the specific point or points upon which the motion is

brought and shall be accompanied by a concise brief. Memoranda in opposition to such motion and objection shall be filed within ten (10) days after the filing of the motion or objection, and any reply memoranda shall be filed within ten (10) days thereafter. Failure to comply with this paragraph will constitute waiver of objection by the party not complying, and such failure to comply will constitute a confession of the matters raised by such pleadings.


Therefore, in that the plaintiff, Marilyn A. Turnbow, and Third-Party defendant Marjorie Clampitt, have failed to comply with local Rule 14(a) and no responsive pleading has been filed within 103 days of the filing of Prudential's motion to sustain interpleader as to insurance proceeds and for costs and attorneys' fees herein, the Court concludes that the plaintiff, Marilyn A. Turnbow, and Third-Party defendant, Marjorie Clampitt, have waived any objection to said motion and they have confessed the matters contained therein.

Accordingly, it is the Order of the Court that the motion of Prudential Insurance Company of America to sustain interpleader to insurance proceeds and for costs and attorneys' fees should be and hereby is sustained.

It is the further Order of the Court that Prudential is entitled to an award of attorneys' fees in the amount of \$660.00 for that portion of its attorneys' time attributable to bringing all claimants before this Court and costs in the amount of \$4.55.

It is the further Order of this Court that the Clerk of this Court is directed to pay the above amounts to Prudential Insurance Company of America from the proceeds on deposit herein.

It is so Ordered this 21<sup>st</sup> day of September, 1983.

  
H. DALE COOK  
Chief Judge, U. S. District Court

1  
- Entered  
FILED  
UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

SEP 21 1983

UNITED STATES OF AMERICA, )

Plaintiff, )

vs. )

KENNETH R. ASHWORTH, )

Defendant. )

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

CIVIL ACTION NO. 83-C-200-B

NOTICE OF DISMISSAL

COMES NOW the Plaintiff, United States of America, by Frank Keating, United States Attorney for the Northern District of Oklahoma, through Philard L. Rounds, Jr., Assistant United States Attorney, and hereby gives notice of its dismissal, pursuant to Rule 41, Federal Rules of Civil Procedure, of this action without prejudice.

Dated this 21st day of September, 1983.

UNITED STATES OF AMERICA

FRANK KEATING  
United States Attorney

*Philard L. Rounds, Jr.*  
PHILARD L. ROUNDS, JR.  
Assistant United States Attorney  
460 U.S. Courthouse  
Tulsa, OK 74103  
(918) 581-7463

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing pleading was served on each of the parties hereto by mailing the same to them or to their attorneys of record on the 21st day of September, 1983.

*Philard L. Rounds, Jr.*  
Assistant United States Attorney

- Entered 7

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

SEP 21 1983  
JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

K. B. Clements, Dennis Dooley )  
and Violet Dooley, and David )  
Clements, )

Plaintiffs, )

vs. )

L. E. Garver, Dave Carter, )  
and Wild Dutchman Mine, Mill )  
& Refining Co., )

Defendants. )

Case No. 82-C-1176B

DEFAULT JUDGMENT

NOW on this 21st day of September, 1983, the  
Plaintiffs, represented by their attorney, Donald E. Cummings,  
of Tulsa, Oklahoma, and the Defendants appearing not, having  
failed to plea or otherwise defend, the Court having found that:

1. Pursuant to Rule 55(a), that Plaintiffs have  
entered their Request to Clerk for Entry of Default, on April 14,  
1983, and have filed sufficient Affidavit of Failure to Plea or  
Otherwise Defend in Support of Application for Entry of Default  
on April 14, 1983, and Entry of Default having been filed April 14,  
1983, and signed by Jack C. Silver, Clerk of the Court, that all  
things necessary to be done according to Rule 55(a) have been  
complied with by these Plaintiffs, and that the Court can forthwith  
enter default.

2. The Court further finds that Plaintiffs herein on  
the 14th day of December, 1982, filed in this cause their complaint  
against Defendants herein.



3. That examination of the Court files and record in this cause shows that Defendants herein were served by the United States Marshal with a copy of summons, together with a copy of Plaintiffs' Complaint, on the 17th day of December, 1982.

4. That more than twenty (20) days have elapsed since the date on which the Defendants herein were served with summons and a copy of the Complaint, excluding the date thereon.

5. That Defendants herein have failed to answer or otherwise defend as to Plaintiffs' complaint or serve a copy of any answer or other defense which they might have had upon Donald E. Cummings, attorney of record for said Plaintiffs.

6. That pursuant to the Federal Rules of Civil Procedure, Rule 55(a), that judgment may be entered in this matter for a sum certain by the Clerk of the Federal Court.

IT IS NOW THEREFORE ORDERED, ADJUDGED AND DECREED, it appearing that the Defendants, L. E. Garver, Dave Carter, and Wild Dutchman Mine, Mill & Refining Company, are in default for failure to plea or otherwise defend as required by law, default judgment is hereby entered as against the said Defendants as follows: judgment in the amount of thirty thousand dollars (\$30,000) is taken against L. E. Garver; judgment in the amount of thirty thousand dollars (\$30,000) is taken against Dave Carter; and judgment in the amount of thirty thousand dollars (\$30,000) is taken against Wild Dutchman Mine, Mill & Refining Company.

IT IS ORDERED, ADJUDGED AND DECREED that the Defendants pay to the Plaintiffs the aforesaid sums, together with all court costs incurred herein.

Jack C. Silver, Clerk

By J. Cleveland  
Deputy

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DIVISION

FILED

SEP 21 1983

WILLIAM A. DALTON,  
JAMES P. DALTON,  
HERMAN A. MORRIS, JR.,  
AND JIM MORRIS,

Plaintiffs,

vs.

THE GOLDEN EAGLE DEVELOPMENT, INC.,  
E. J. WILSON, JIMMIE LOU WILSON,  
DAVID L. BUSSETT, AND NITA J.  
BUSSETT

Defendants

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

CASE NO. 82-C-854-E

JUDGMENT

COMES NOW the respective parties litigant to the above captioned Cause of Action, acting by and through their respective attorneys of record, and the Court being fully advised in the Premises, finds that the said parties have resolved their respective positions and the Court makes the following Order, to-wit:

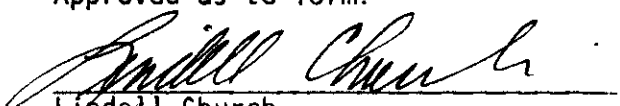
It is hereby ordered, adjudged and decreed that the Limited Partnership Investment Agreement heretofore entered into by the Parties is hereby rescinded, set aside and held for naught, and that particular interest is transferred to the Defendants, and the Plaintiffs are awarded a judgment against the Defendants, the Golden Eagle Development, Inc., E. J. Wilson, Jimmie Lou Wilson, David L. Bussett, and Nita J. Bussett, in the amount of \$50,000.00, as a complete judgment for all their claims of every nature against the Defendants.

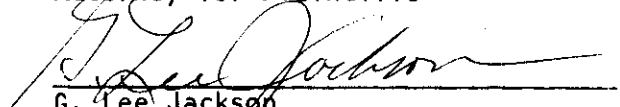
It is further ordered that the Defendants pay the accumulated Court Costs herein.

S/ JAMES O. ELLISON

James O. Ellison  
Judge

Approved as to form:

  
Lindell Church  
Attorney for Plaintiffs

  
G. Lee Jackson  
Attorney for Defendants

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

SEP 21 1983

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHARLES E. THOMPSON,

Defendant.

CIVIL ACTION NO. 83-C-782-E


NOTICE OF DISMISSAL

COMES NOW the United States of America by  
Frank Keating, United States Attorney for the Northern District  
of Oklahoma, Plaintiff herein, through Peter Bernhardt, Assistant  
United States Attorney, and hereby gives notice of its dismissal,  
pursuant to Rule 41, Federal Rules of Civil Procedure, of this  
action without prejudice.

Dated this 20<sup>th</sup> day of September, 1983.

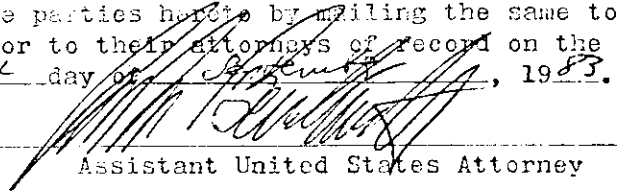
UNITED STATES OF AMERICA

FRANK KEATING  
United States Attorney

  
PETER BERNHARDT  
Assistant United States Attorney  
460 U.S. Courthouse  
Tulsa, OK 74103  
(918) 581-7463

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy  
of the foregoing pleading was served on each  
of the parties herein by mailing the same to  
them or to their attorneys of record on the  
21<sup>st</sup> day of September, 1983.

  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

**FILED**

SEP 30 1983

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDWARD L. FREEMAN, et al.,

Defendants.


Jack C. Silver, Clerk  
U. S. DISTRICT COURT

Civil Action No. 83-C-86-E

O R D E R

For good cause having been show, it is hereby ordered, adjudged, and decreed that the above-referenced action is hereby dismissed without prejudice.

Dated this 19<sup>th</sup> day of September, 1983.

  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

SEP 20 1983

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

VICTOR IVAN KEITH EVANS,

Plaintiff,

vs.

THE ROONEY COMPANY,

Defendant.

No. 83-C-705-C

ORDER

This cause having come before this Court upon the Application of Plaintiff to dismiss his action against the Defendant with prejudice, on the grounds that the parties have reached a private settlement of this action, and it appearing to this Court that such Application should be granted, it is, therefore,

ORDERED, ADJUDGED, AND DECREED That the above action, together with the causes of action asserted therein, be and is hereby dismissed with prejudice. Each party is to bear its own costs.

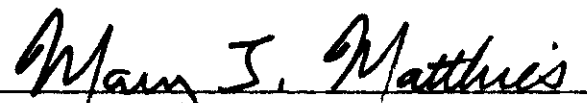
So ordered this 20 day of Sept, 1983.

s/H. DALE COOK

UNITED STATES DISTRICT JUDGE

APPROVED:

  
Attorney for Plaintiff

  
Attorney for Defendant

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

SEP 20 1983

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WAYNE L. ROBINSON,

Defendant.

CIVIL ACTION NO. 83-C-665-C

DEFAULT JUDGMENT

This matter comes on for consideration this 20 day of September, 1983, the Plaintiff appearing by Frank Keating, United States Attorney for the Northern District of Oklahoma, through Philard L. Rounds, Jr., Assistant United States Attorney, and the Defendant, Wayne L. Robinson, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Wayne L. Robinson, was served with Summons and Complaint on August 18, 1983. The time within which the Defendant could have answered or otherwise moved as to the Complaint has expired and has not been extended. The Defendant has not answered or otherwise moved, and default has been entered by the Clerk of this Court. Plaintiff is entitled to Judgment as a matter of law.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover Judgment against Defendant, Wayne L. Robinson, for the principal sum of \$1,660.00, plus the accrued interest of \$174.78 as of July 31, 1983, plus interest at the legal rate from the date of this Judgment until paid, and costs of this action.

s/H. DALE COOK

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OKLAHOMA

CLERK'S OFFICE

UNITED STATES COURT HOUSE

TULSA, OKLAHOMA 74103

JACK C. SILVER  
CLERK

(918) 581-7796  
(FTS) 736-7796

September 20, 1983

James C. Luman, No. 84957  
R. R. 1  
Farris, Oklahoma 74542

Mr. John E. Douglas  
Assistant Attorney General  
112 State Capitol Building  
Oklahoma City, Oklahoma 73105

Re: 83-C-386-C  
James C. Luman v. State of Oklahoma

Gentlemen:

This is to advise you that Chief Judge H. Dale Cook entered the following Minute Order this date in the above case:

"IT IS ORDERED that the Motion of Petitioner to dismiss Petition for Writ of Habeas Corpus is granted, same being dismissed without prejudice."

Very truly yours,

JACK C. SILVER, CLERK

*Rosanne L. Miller*

Deputy

rfm



IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

SEP 20 1983

ACK C. SILVER, CLERK  
DISTRICT COURT

PEERLESS PUMP DIVISION OF  
THYSSEN-BORNEMISZA INC.  
(formerly Indian Head Inc.),  
a Delaware corporation,

Plaintiff,

vs.

No. 83-C-332-C

ELMER L. HEMPHILL  
d/b/a OKLAHOMA WATER  
WELL SUPPLY, an  
individual,

Defendant.

JOURNAL ENTRY OF JUDGMENT

On this 12th day of August, 1983, this matter came on for a status conference before the Honorable H. Dale Cook, the parties appearing by and through their respective attorneys of record. The Court having heard all the evidence and being fully advised in the premises FINDS:

1. That the Defendant, Elmer L. Hemphill, has been duly and regularly served with summons; that complete diversity of citizenship exists and that the amount in controversy exceeds \$10,000.00 exclusive of interest and costs, and that the Court has jurisdiction of the parties in the subject matter hereof.

2. That Plaintiff's Motion for Summary Judgment is not opposed by Defendant, Elmer L. Hemphill, who, through his attorney, has offered to confess judgment in the full amount of Plaintiff's Complaint.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff's Motion for Summary Judgment is granted.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that judgment is rendered in favor of Plaintiff, Peerless Pump Division of Thyssen-Bornemisza Inc., in the amount of \$87,014.33 plus interest at the rate of 12% per annum from October 1, 1982 until paid, attorneys' fees in the amount of \$6,000.00, and its costs, in the amount of \$80.00.

s/H. DALE COOK

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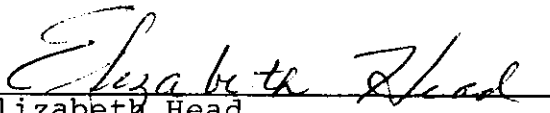
H. DALE COOK

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM AND CONTENT:

HALL, ESTILL, HARDWICK, GABLE,  
COLLINGSWORTH & NELSON, INC.

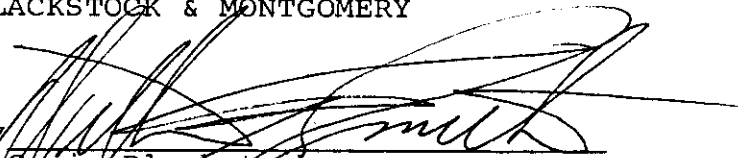
By

  
Elizabeth Head  
John E. Rooney, Jr.

ATTORNEYS FOR PLAINTIFF

BLACKSTOCK, JOYCE, POLLARD,  
BLACKSTOCK & MONTGOMERY

By

  
Craig Blackstock  
William F. Smith  
Brian J. Rayment

ATTORNEYS FOR DEFENDANT

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

----- x  
SOONER FEDERAL SAVINGS AND LOAN :  
ASSOCIATION AND LOUIS W. GRANT, JR., :

Plaintiffs, :

-against- :

THE CHARTER COMPANY, CHARTER SECURITY :  
LIFE INSURANCE COMPANY, CONISTON :  
PARTNERS, GOLLUST & TIERNEY, INC., :  
KEITH R. GOLLUST, PAUL E. TIERNEY, JR., :  
GROSVENOR PARTNERS, RICHARD ELDEN, :  
JOHN DOES 1 through 10, MUTUAL SHARES :  
CORPORATION, MUTUAL QUALIFIED INCOME :  
FUND, INC., HERZOG, HEINE, GEDULD, INC., :  
HEINE SECURITIES CORPORATION, MAX L. HEINE, :  
MICHAEL F. PRICE, BONNIE PRICE, ILSE BAUM :  
and CHARLOTTE HEINE, :

Defendants. :  
----- x

Civil Action  
No. 83-C-538-C

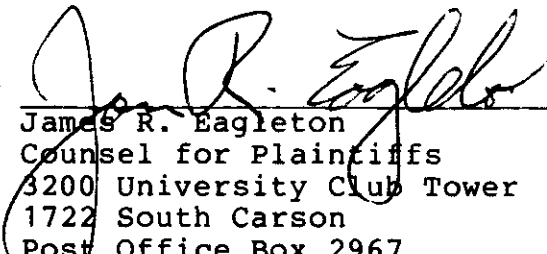
FILED  
SEP 19 1983  
JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

IT IS HEREBY STIPULATED AND AGREED, by and between the  
parties hereto, that the Complaint herein is dismissed as to  
Richard Elden without prejudice and without costs to any party.

September 8, 1983

HOUSTON AND KLEIN, INC.

By

  
James R. Eagleton  
Counsel for Plaintiffs  
3200 University Club Tower  
1722 South Carson  
Post Office Box 2967  
Tulsa, Oklahoma 74101  
(918) 583-2131


SHEREFF, FRIEDMAN, HOFFMAN  
& GOODMAN  
919 Third Avenue  
New York, New York 10022  
(212) 758-9500

HAMEL, PARK, McCABE & SAUNDERS  
888 Sixteenth Street, N.W.  
Washington, D.C. 20006  
(202) 835-8000

Of Counsel

HALL, ESTILL, HARDWICK, GABLE,  
COLLINGSWROTH & NELSON, P.C.

By

  
Elizabeth Head  
Counsel for Defendants  
4100 Bank of Oklahoma Tower  
One Williams Center  
Tulsa, Oklahoma 74172  
(918) 588-2700

SKADDEN, ARPS, SLATE,  
MEAGHER & FLOM  
919 Third Avenue  
New York, New York 10022  
(212) 371-6000

Of Counsel

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

HERBERT M. MANNING, JR., )

Plaintiff, )

vs. )

MARGARET M. HECKLER,  
Secretary of Health and  
Human Services of the  
United States of America, )

Defendant. )

CIVIL ACTION NO. 83-C-355-C

FILED  
SEP 19 1983 *rm*

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

O R D E R

For good cause shown, pursuant to 42 U.S.C. §405(g),  
this cause is remanded for further administrative action.

Dated this 19<sup>th</sup> day of September, 1983.

*[Signature]*  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

SEP 19 1983

SHELTER AMERICA CORPORATION, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
DAROLD B. BRUTON, )  
 )  
Defendant. )

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

Case No. 83-C-640-B

JUDGMENT OF DEFAULT

This cause coming for hearing before the undersigned Judge upon Plaintiff's Motion for Default Judgment against Defendant, Darold B. Bruton, pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, and it appearing to the Court that the Complaint in the above cause was filed on the 25th day of July, 1983, and that Summons and Complaint were duly served on Defendant on July 28, 1983, and that no answer or other defense has been filed by said Defendant, and that default was entered by the Clerk on the 12th day of September, 1983, and that no proceeding has been taken by said Defendant, Darold B. Bruton, since default was entered by the Clerk.

The Court having examined the file, reviewed the Motion, Affidavit, and Brief filed by Plaintiff, and having considered the Affidavit of Plaintiff's counsel as to the attorney fees incurred by Plaintiff in this matter, and being fully advised finds, and

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. This Court has jurisdiction over the parties and the subject matter of this action pursuant to 28 U.S.C §1332.

2. That default judgment is hereby entered against Defendant, Darold B. Bruton, and in favor of Plaintiff for possession of the following described personal property, to-wit: One (1) 1982 Hylton Mobile Home, Serial No. AL2520HI.

3. In the event possession cannot be had within thirty (30) days of this date, the Court retains jurisdiction to reopen the case and consider alternative relief.

4. In the event possession is obtained within thirty (30) days of this date, this Court reserves, until after sale proceedings, the right of Plaintiff to be awarded a deficiency judgment with interest thereon as provided by the Contract and by 12A O.S. §9-504.

5. Plaintiff have further judgment against Defendant for a reasonable attorney fee in the amount of five hundred sixty-one (\$561.00) dollars.

6. The Court further directs that Plaintiff is entitled to collection expenses and costs of this action.

MADE AND ENTERED this 16th day of September, 1983.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
JAMES E. ESLICK, et al.,  
Defendants.

No. 81-C-753

**FILED**

SEP 19 1983

O R D E R

Jack C. Silver, Clerk  
U. S. DISTRICT COURT

Now before the Court for its consideration is the motion of the defendant Federal National Mortgage Association, filed on August 24, 1983. The Court has no record of a response to this motion from any party to this action. Rule 14(a) of the local Rules of the United States District Court for the Northern District of Oklahoma provides as follows:

(a) Briefs. Each motion, application and objection filed shall set out the specific point or points upon which the motion is brought and shall be accompanied by a concise brief. Memoranda in opposition to such motion and objection shall be filed within ten (10) days after the filing of the motion or objection, and any reply memoranda shall be filed within ten (10) days thereafter. Failure to comply with this paragraph will constitute waiver of objection by the party not complying, and such failure to comply will constitute a confession of the matters raised by such pleadings.

Therefore, since no response has been received within 26 days after filing of the Motion for Summary Judgment herein, in



accordance with Rule 14(a), the failure to comply constitutes a confession of the motion of this defendant for summary judgment.

Accordingly, it is the Order of the Court that the motion of the defendant Federal national Mortgage Association should be and hereby is sustained.

It is so Ordered this 19<sup>th</sup> day of September, 1983.

  
H. DALE COOK  
Chief Judge, U. S. District Court

FILED

UNITED STATES DISTRICT COURT FOR THE SEP 19 1983  
NORTHERN DISTRICT OF OKLAHOMA

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICHARD D. ABBOTT,

Defendant.

CIVIL ACTION NO. 83-C-379-B

NOTICE OF DISMISSAL

COMES NOW the United States of America by Frank Keating, United States Attorney for the Northern District of Oklahoma, Plaintiff herein, through Philard L. Rounds, Jr., Assistant United States Attorney, and hereby gives notice of its dismissal, pursuant to Rule 41, Federal Rules of Civil Procedure, of this action without prejudice.

Dated this 19<sup>th</sup> day of September, 1983.

UNITED STATES OF AMERICA

FRANK KEATING

United States Attorney

PHILARD L. ROUNDS, JR.

Assistant United States Attorney

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing pleading was served on each of the parties hereto by mailing the same to them or to their attorneys of record on the 19<sup>th</sup> day of September, 1983.

Assistant United States Attorney

FILED

19

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

W. C. SILVER, CLERK  
U.S. DISTRICT COURT

PHILLIP HUDSON; JUANITA BOUSUM; )  
LOUIS P. ROBERTSON as Trustee of )  
Constitutional Trust No. 2-1181; )  
JAMES P. ROBERTSON as Trustee of )  
Constitutional Trust No. 2-1173; )  
ALBERT N. ROBERTSON as Trustee of )  
Constitutional Trust No. 2-1174; )  
and ZACK HUDSON as Trustee of )  
Constitutional Trust No. 2-1185, )

Plaintiffs, )

vs. )

No. 83-C-582-E

THE HERBERT AND SINTON GROUPS, )  
LTD., a Colorado corporation; )  
HANSON OIL COMPANY, INC.; OLD )  
NATIONAL BANK OF WASHINGTON, )  
Spokane, Washington; GARY N. )  
HERBERT; J. MICHAEL SINTON; HAROLD )  
MOORE, d/b/a Harold Moore Welding; )  
and B. A. TURNER, d/b/a Turner Oil )  
Field Services, )

Defendants. )

THE HERBERT AND SINTON GROUPS, )  
LTD., GARY N. HERBERT and )  
J. MICHAEL SINTON, Cross-Claimants, )

vs. )

HANSON OIL COMPANY, INC., )  
Cross-Defendant. )

STIPULATION OF DISMISSAL OF CROSS-CLAIM

It is hereby stipulated and agreed by and between  
the undersigned attorneys for cross-plaintiff, The Herbert

and Sinton Groups, Ltd., Gary N. Herbert and J. Michael Sinton, and cross-defendant, Hanson Oil Company, Inc., that the cross-claim initiated by cross-plaintiffs' filing of their Answer and Cross-Claim on June 20, 1983 be, and the same is hereby, discontinued and the cross-petition is dismissed without prejudice.

It is further stipulated and agreed that said cross-plaintiffs and cross-defendant will each bear their own costs, fees and expenses incurred herein without recourse to the other party; provided, however, that this stipulation will not affect the right, if any, of the prevailing party in this litigation to recover costs, fees and expenses incurred herein upon final determination of the action.

It is further stipulated and agreed that the claim stated by cross-plaintiffs, in their cross-petition, will be asserted by cross-plaintiffs in that certain action now pending in the United States District Court for the District of Colorado between cross-plaintiff, The Herbert and Sinton Groups, Ltd., and cross-defendant. Cross-defendant agrees that it will not move the Court in the District of Colorado to stay the claim filed by cross-plaintiffs pending payment of cross-defendant's costs herein, it being the intent of the parties hereto to effect the consolidation of the two pending

actions into the action now pending in the District of Colorado, without prejudice arising to either party from the consolidation of these actions.

Respectfully submitted,

By Gene C. Buzzard  
Gene C. Buzzard

WADDEL & BUZZARD  
1100 Philtower Building  
Tulsa, Oklahoma 74103

(918) 583-5985

ATTORNEYS FOR DEFENDANTS, THE  
HERBERT AND SINTON GROUPS, LTD.,  
GARY N. HERBERT AND J. MICHAEL SINTON

By David B. McKinney  
David B. McKinney

BOESCHE, McDERMOTT & ESKRIDGE  
320 S. Boston, Suite 1300  
Tulsa, Oklahoma 74103

(918) 583-1777

ATTORNEYS FOR HANSON OIL COMPANY,  
INC.

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

**FILED**

SEP 16 1983

UNITED STATES OF AMERICA,  
on behalf of Jeannie Vann,  
a restricted Indian,

Plaintiffs,

vs.

GENE CHANCELLOR and  
BONNIE CHANCELLOR, et al.,

Defendants.

Jack C. Silver, Clerk  
U. S. DISTRICT COURT

No. 83-C-306-E

O R D E R

ON this 16 day of Sept, 1983, this  
matter comes on before me, the undersigned Judge of the United  
States District Court, on plaintiff's Motion to Dismiss pursuant  
to Rule 41(a)(2) of the Federal Rules of Civil Procedure. For  
good cause shown,

IT IS ORDERED, ADJUDGED, AND DECREED that the matter be  
dismissed; that the sum of \$87.36 paid to the Court Clerk be  
disbursed to Jeannie Vann at 1544 E. 10 Street, Tulsa, Oklahoma  
74120, and that the parties bear their respective costs and  
attorney's fees.

S/ JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

SEP 16 1983

Jack C. Silver, Clerk  
U. S. DISTRICT COURT

BERT ZACHARY,  
Plaintiff,

vs.

Case Number 82-C-384-E

CITY OF BARTLESVILLE,  
OKLAHOMA,  
Defendant.

JUDGMENT

NOW ON THIS 7th day of September, 1983, this action came on for trial before the Court, the Honorable James O. Ellison, District Judge of the Northern District of Oklahoma, presiding, Plaintiff having appeared in person and being represented by his attorney, Jim Grennan and the Defendant having been represented by its attorney, Tom R. Gann, and the issues having been duly tried and a decision having been duly rendered against the Plaintiff and in favor of the Defendant, the Court finding that the Plaintiff failed to prove his allegations of discrimination with respect to his employment with the Defendant, and further finding that the Defendant was not guilty of any acts of discrimination as against the Plaintiff stemming from Plaintiff's employment with the Defendant.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that judgement be entered herein against the Plaintiff and in favor of the Defendant.

Dated at Tulsa, Oklahoma, this 16 day of September, 1983.

BY JAMES O. ELLISON

JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

APPROVED:

Jim Grennan  
Jim Grennan, Attorney for Plaintiff

Tom R. Gann  
Tom R. Gann, Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

**FILED**

**SEP 15 1983**

UNITED STATES OF AMERICA )  
for the use of )  
ELDON WINCHESTER d/b/a )  
Winchester Cement Works, )  
 )  
Plaintiff, )

**Jack C. Silver, Clerk**  
**U. S. DISTRICT COURT**

v. )

Case No. 80-C-331-E

KENNETH LATTY d/b/a )  
Kenneth Latty Construction, and )  
GOLDEN AGES HOUSING AUTHORITY and )  
WESTERN CASUALTY & SURETY, )  
 )  
Defendants. )

ORDER DISMISSING COMPLAINT  
AND CROSS COMPLAINT

On this 14<sup>th</sup> day of September, 1983, pursuant to Stipulation of Dismissal, the Court hereby dismisses, without prejudice, the Complaint of Plaintiff, Eldon Winchester and the Cross Complaint of Kenneth Latty d/b/a Kenneth Latty Construction, Golden Ages Housing Authority and Western Casualty & Surety, defendants.

This cause is stricken from the September 19, 1983, Jury Docket and each of the parties are directed to pay their own costs and attorney fees incurred herein.

**S/ JAMES O. ELLISON**

JAMES O. ELLISON  
United States District Judge



IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

**FILED**

NANCY WARD,

Plaintiff,

VS.

MICHAEL J. CONSIDINE,

Defendant,

VS.

FARMERS INSURANCE COMPANY, INC.,

Intervenor.

SEP 10 1983

Jack C. Silver, Clerk  
U. S. DISTRICT COURT

NO. 82-C-324-E

## ORDER OF DISMISSAL

On this 15<sup>th</sup> day of Sept., 1983, upon the written application of the parties for a Dismissal with Prejudice of the Cross Complaint and all causes of action, the Court having examined said application, finds that said parties have entered into a compromise settlement covering all claims and have requested the Court to dismiss said Cross Complaint with prejudice to any future action, and the Court being fully advised in the premises, finds that said Cross Complaint should be dismissed pursuant to said application.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Cross Complaint and all causes of action of the Intervenor filed herein against the Defendant be and the same hereby are dismissed with prejudice to any future action.

UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

SEP 15 1983

L. M. BERRY AND COMPANY, an )  
Ohio corporation, and L. M. )  
BERRY AND COMPANY - NYPS, )  
an Ohio corporation, )

Plaintiff, )

vs. )

MILLER ASSOCIATES, INC. and )  
CATTLE RUSTLERS STEAK )  
HOUSE, INC., )

Defendants. )

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

Case No. 82-C-261-E

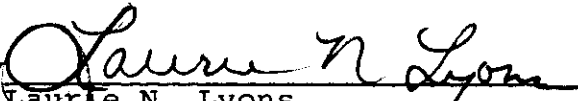
JOINT STIPULATION OF DISMISSAL

Plaintiffs, L. M. BERRY AND COMPANY, an Ohio corporation,  
and L. M. BERRY AND COMPANY - NYPS, an Ohio corporation, and  
Defendant, CATTLE RUSTLERS STEAK HOUSE, INC., through their  
undersigned attorneys of record, stipulate that the above-styled  
cause of action be dismissed with prejudice, with each party  
bearing its own cost and attorney's fees.


HOLLIMAN, LANGHOLZ, RUNNELS,  
& DORWART  
Attorneys for Plaintiffs,  
L. M. BERRY AND COMPANY and  
L. M. BERRY AND COMPANY-NYPS  
Suite 700, Holarud Building  
10 East Third Street  
Tulsa, Oklahoma 74103  
(918) 584-1471

SUBLETT, McCORMICK, ANDREW  
& KEEFER  
Attorneys for Defendant,  
CATTLE RUSTLERS STEAK HOUSE,  
INC.  
Suite 1776  
One Williams Center  
Tulsa, Oklahoma 74172  
(918) 582-8815

By

  
Laurie N. Lyons

By

  
Stephen L. Andrew

**FILED**

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

SEP 15 1983

Jack C. Silver, Clerk  
U. S. DISTRICT COURT

NATIONAL INSURANCE SERVICES, )  
INC., a corporation, and )  
CHARLES S. KOPP, )

Plaintiffs, )

-vs- )

No. 82-C-1213-E

AMERICAN INTERNATIONAL GROUP, )  
AIG RISK MANAGEMENT, INC., )  
AMERICAN INTERNATIONAL )  
COMPANIES, and AMERICAN )  
INTERNATIONAL ADJUSTING )  
CORPORATION, )

Defendants. )

O R D E R

This matter came on for hearing before the Court on September 2, 1983, on the Motion to Dismiss of Defendant, American International Adjusting Corporation; the Motion to Dismiss of Defendant, American International Group, Inc., on its own behalf and on behalf of the purported entity sued herein as "American International Companies"; and on the Motion to Dismiss of Defendant, AIG Risk Management, Inc. Plaintiffs appeared by their attorneys of record, Maynard I. Ungerman and Mark H. Iola, and Defendants appeared by their attorney of record, Richard B. Noulles. The Court, having reviewed the materials on file herein, and having heard the argument of counsel, hereby orders as follows:

1. The Motion to Dismiss filed by American International Group, Inc., on behalf of the purported entity sued herein as "American International Companies", asserting that service on such purported entity should be quashed, is hereby granted.

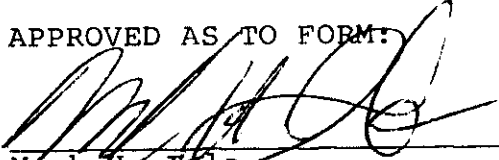
2. The Motions to Dismiss filed by American International Group, Inc. and by AIG Risk Management, Inc., on the grounds that the Court lacks jurisdiction over those Defendants, are hereby denied, without prejudice to those Defendants' right to raise the question of whether this Court has in personam jurisdiction over them at any later stage in these proceedings.

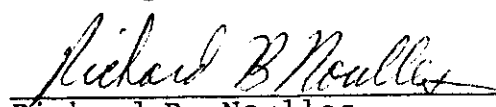
3. The Motions to Dismiss of Defendants, American International Adjusting Corporation, American International Group, Inc., and AIG Risk Management, Inc., asserting that the Complaint fails to state a claim upon which relief can be granted, are hereby denied, without prejudice to the right of those Defendants to raise the issues presented in those motions at any later stage of these proceedings.

DATED this 15<sup>th</sup> day of September, 1983.

  
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

  
Mark H. Tola  
Attorney for Plaintiffs

  
Richard B. Noulles  
Attorney for Defendants

Entered

FILED

UNITED STATES DISTRICT COURT FOR THE 15 1983  
NORTHERN DISTRICT OF OKLAHOMA

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. ) CIVIL ACTION NO. 83-C-639-B  
 )  
ROBERT M. SAKOWSKI, )  
 )  
Defendant. )

AGREED JUDGMENT

This matter comes on for consideration this 13<sup>th</sup> day of September, 1983, the Plaintiff appearing by Frank Keating, United States Attorney for the Northern District of Oklahoma, through Philard L. Rounds, Jr., Assistant United States Attorney, and the Defendant, Robert M. Sakowski, appearing pro se.

The Court, being fully advised and having examined the file herein, finds that the Defendant, Robert M. Sakowski, was personally served with Summons and Complaint on August 10, 1983. The Defendant has not filed his Answer but in lieu thereof has agreed that he is indebted to the Plaintiff in the amount alleged in the Complaint and that Judgment may accordingly be entered against him in the amount of \$1,812.77, plus interest at the legal rate from the date of this Judgment until paid.

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover Judgment against the Defendant, Robert M. Sakowski, in the amount of \$1,812.77, plus costs and

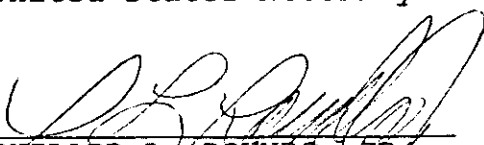
interest at the legal rate from the date of this Judgment until paid.

S/ THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

FRANK KEATING  
United States Attorney

  
PHILARD L. ROUNDS, SR.  
Assistant U.S. Attorney

  
ROBERT M. SAKOWSKI

Entered

FILED

SEP 15 1983

UNITED STATES DISTRICT COURT FOR THE JACK C. SILVER, CLERK  
NORTHERN DISTRICT OF OKLAHOMA U.S. DISTRICT COURT

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
STEVE M. VANWAGNER, )  
 )  
Defendant. ) CIVIL ACTION NO. 83-C-508-B

NOTICE OF DISMISSAL

COMES NOW the United States of America by Frank Keating, United States Attorney for the Northern District of Oklahoma, Plaintiff herein, through Nancy A. Nesbitt, Assistant United States Attorney, and hereby gives notice of its dismissal, pursuant to Rule 41, Federal Rules of Civil Procedure, of this action without prejudice.

Dated this 15th day of September, 1983.

UNITED STATES OF AMERICA

FRANK KEATING

United States Attorney

*Nancy A. Nesbitt*

NANCY A. NESBITT

Assistant United States Attorney

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing pleading was served on each of the parties hereto by mailing the same to them or to their attorneys of record on the 15th day of September, 1983.

*Nancy A. Nesbitt*

Assistant United States Attorney

FILED

W. C. SILVER, CLERK  
U.S. DISTRICT COURT

Defendant.

No. 83-C-443-B

3. There are no facts left to be determined in this matter and, as a matter of law, the Plaintiff is entitled to judgment against the Defendant, as prayed for in its Petition. The Defendant was at the time of filing this action indebted to the Plaintiff in the principal amount of \$55,063.50 and accrued interest of \$6,586.89, as of August 31, 1983, plus interest



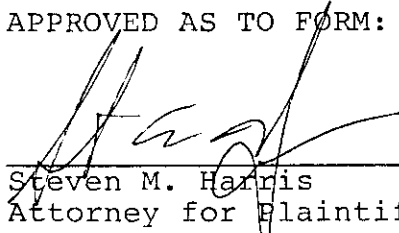
accruing in the amount of \$27.53 a day at a rate of eighteen percent (18%) per annum from August 31, 1983 until the day the judgment is paid in full, plus an attorney's fee of ~~\$5,000.00~~ and all costs of the action.

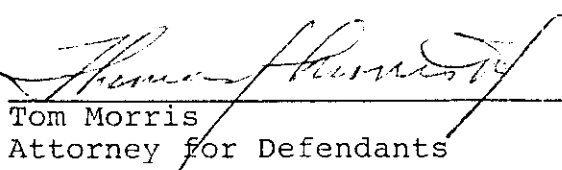
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Plaintiff, Commercial Credit Equipment Corporation, have and recover judgment against the Defendant, Edwards Equipment Company, in the principal amount of \$61,650.49, plus interest thereon at the rate of eighteen percent (18%) per annum accruing at a rate of \$27.53 a day from August 31, 1983, until judgment is paid in full, plus an attorney's fee <sup>tim</sup> ~~of \$5,000.00~~ and all costs of the action.

**S/ THOMAS R. BRETT**

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

  
Steven M. Harris  
Attorney for Plaintiff

  
Tom Morris  
Attorney for Defendants

HEARING TO DETERMINE ATTORNEY'S FEES IS SET FOR THE

6th day of October at 4:00 o'clock P.m.

**S/ THOMAS R. BRETT**

UNITED STATES DISTRICT JUDGE .

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

**FILED**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

COSTELLA D. WILLIAMS,

Defendant.

SEP 15 1983

Jack C. Silver, Clerk  
U. S. DISTRICT COURT

CIVIL ACTION NO. 83-C-472-E

DEFAULT JUDGMENT

This matter comes on for consideration this 14th day of September, 1983, the Plaintiff appearing by Frank Keating, United States Attorney for the Northern District of Oklahoma, through Peter Bernhardt, Assistant United States Attorney, and the Defendant, Costella D. Williams, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Costella D. Williams, was served with Alias Summons and Complaint on July 12, 1983. The time within which the Defendant could have answered or otherwise moved as to the Complaint has expired and has not been extended. The Defendant has not answered or otherwise moved, and default has been entered by the Clerk of this Court. Plaintiff is entitled to Judgment as a matter of law.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover Judgment against Defendant, Costella D. Williams, for the principal sum of \$600.00 (less the sum of \$150.00 which has been paid), plus accrued interest of \$179.55 as of January 5, 1981, plus interest thereafter at the

rate of 7 percent per annum until judgment, plus interest at the legal rate from the date of this Judgment until paid, and costs of this action.

**S/ JAMES O. ELLISON**

---

UNITED STATES DISTRICT JUDGE

FILED

SEP 15 1983

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA  
C. SILVER, CLERK  
U.S. DISTRICT COURT

HUGHES TOOL COMPANY,

Plaintiff,

v.

TRW, INC.

Defendant.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Civil Action

No. 83-C-876-E.

83-C-876-E

CONSENT JUDGMENT

On this date, came the parties in this Action by and through their attorneys of record and announced that they have executed a Settlement Agreement, and the Court finds that the parties have resolved their differences and consented to the entry of the following judgment; and it is therefore,

ORDERED, ADJUDGED AND DECREED THAT:

1. This Court has jurisdiction over the parties and the subject matter of this Action.

2. The parties acknowledge and this Court holds that between the parties hereto United States Patent 3,340,500 is valid and enforceable.

3. The parties acknowledge and this Court holds that Plaintiff is the owner of the entire right, title and interest in and

to United States Patent 3,340,550 (The Patent), including the right to sue and collect for damages for infringement thereof.

4. The parties acknowledge and this Court holds that Defendant has manufactured and sold products that are within the scope of at least some of the claims of United States Patent 3,340,550.

5. The parties have entered into a separate agreement which grants Defendant a license under The Patent.

6. Defendant, and those persons in active concert of participation with Defendant who receive notice hereof, are hereby permanently enjoined and restrained from directly or indirectly infringing or inducing infringement of any of the claims of The Patent from and after the date hereof until the date of expiration of The Patent. This Court shall retain jurisdiction over the subject matter and parties for the purpose of enforcing this Judgment.

7. All claims, demands, causes of action and rights of action of both parties, past and future, known and unknown, relating to The Patent are hereby dismissed with prejudice.

8. Each party shall pay its own costs and attorney fees incurred in this Action.

Date: SEP 15 1983

S/ JAMES O. ELLISON  
United States District Judge

Approved As To Form and Content

Daniel G. Blackhurst

Daniel G. Blackhurst  
Senior Counsel - Patents  
TRW, INC.  
Industrial & Energy Sector  
30000 Chagrin Boulevard  
Cleveland, OH 44124

8-29-83  
(date)

Edward M. Galle

Edward M. Galle  
Senior Vice President  
Engineering & Research  
Hughes Tool Division  
HUGHES TOOL COMPANY  
P. O. Box 2539  
Houston, TX 77001

8/29/83  
(date)

Robert A. Felsman

Robert A. Felsman  
FELSMAN, BRADLEY & GUNTER  
Attorneys for Plaintiff  
900 Baker Building  
110 West Seventh Street  
Fort Worth, Texas 76102  
817/332-8143

8/31/83  
(date)

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

SEP 15 1983

UNITED STATES OF AMERICA,

Plaintiff,

v.

DONOVAN L. MYERS,

Defendant.

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

CIVIL ACTION NO. 83-C-38-B

O R D E R

Now on this 13 day of September, 1983, it appears that the Defendant in the captioned case has not been located within the Northern District of Oklahoma, and therefore attempts to serve him have been unsuccessful.

IT IS THEREFORE ORDERED, that the Complaint against Defendant Donovan L. Myers be and is dismissed without prejudice.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

**FILED**

Jack C. Silver, Clerk  
U. S. DISTRICT COURT

CIVIL ACTION NO. 83-C-695-E

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover Judgment against the Defendant, Kenneth L. Russell, Jr., in the amount of \$422.00, plus costs and



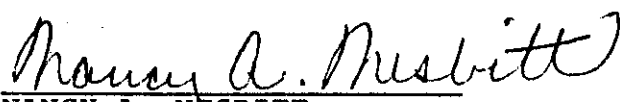
interest at the legal rate from the date of this Judgment until paid.

  
UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

FRANK KEATING  
United States Attorney

  
NANCY A. NESBITT  
Assistant U.S. Attorney

  
KENNETH L. RUSSELL, Jr.

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

**FILED**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JERALD W. LAWSON;  
MARGO M. LAWSON;  
GENERAL CREDIT COMPANY;  
BOARD OF COUNTY COMMISSIONERS,  
Tulsa County, Oklahoma; and  
COUNTY TREASURER, Tulsa County,  
Oklahoma,

Defendants.

SEP 14 1983

Jack C. Silver, Clerk  
U. S. DISTRICT COURT

CIVIL ACTION NO. 83-C-520-E

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 13 day  
of September, 1983. The Plaintiff appears by Frank Keating,  
United States Attorney for the Northern District of Oklahoma,  
through Peter Bernhardt, Assistant United States Attorney; the  
Defendants, County Treasurer and Board of County Commissioners,  
appear by David A. Carpenter, Assistant District Attorney, Tulsa  
County, Oklahoma; and the Defendants, Jerald W. Lawson, Margo M.  
Lawson and General Credit Company, appear not.

The Court being fully advised and having examined the  
file herein finds that Defendants, Jerald W. Lawson and Margo M.  
Lawson, were served with Alias Summons and Complaint on August  
11, 1983; that the Defendant, General Credit Company, executed an  
Acknowledgment of Receipt of Summons and Complaint on June 17,  
1983; that the Defendant, County Treasurer, Tulsa County,  
Oklahoma, executed an Acknowledgment of Receipt of Summons and

Complaint on June 20, 1983; and that the Defendant, Board of County Commissioners, Tulsa County, Oklahoma, executed an Acknowledgment of Receipt of Summons and Complaint on June 21, 1983.

It appears that the Defendants, County Treasurer and Board of County Commissioners, Tulsa County, Oklahoma, have filed their Answers on July 5, 1983; and that the Defendants, Jerald W. Lawson, Margo M. Lawson and General Credit Company, have failed to answer and their default has been entered by the Clerk of this Court on September 1, 1983.

The Court further finds that this is a suit based upon a certain promissory note and for foreclosure of a real estate mortgage securing said promissory note upon the following described real property located in Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Thirty-four (34), Block Forty-one (41), VALLEY VIEW ACRES SECOND ADDITION to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded plat thereof; less and except the Easterly twenty-six (26) feet thereof, which was conveyed to the City of Tulsa for the purpose of a drainage improvement project. The street address of the property is 5229 North Frankfort, Tulsa, Oklahoma 74126.

That on November 28, 1980, the Defendants, Jerald W. Lawson and Margo M. Lawson, executed and delivered to the United States of America, acting through the Administrator of Veterans Affairs, their promissory note in the sum of \$21,000.00, payable in monthly installments, with interest thereon at the rate of 13 percent per annum.

That as security for the payment of the above described note, the Defendants, Jerald W. Lawson and Margo M. Lawson, executed and delivered to the United States of America, acting through the Administrator of Veterans Affairs, a real estate mortgage dated November 28, 1980, covering the above described property.

The Court further finds that Defendants, Jerald W. Lawson and Margo M. Lawson, made default under the terms of the aforesaid promissory note by reason of their failure to make the monthly installments due thereon, which default has continued and that by reason thereof the above named Defendants are indebted to the Plaintiff in the sum of \$21,210.92 as unpaid principal, plus interest accruing at the rate of 13 percent per annum from November 1, 1982, until judgment, plus interest accruing thereafter at the legal rate until paid, plus the costs of this action accrued and accruing.

That the Defendants, County Treasurer and Board of County Commissioners, Tulsa County, Oklahoma, have a lien on the property which is the subject matter of the above styled action by virtue of ad valorem taxes in the amount of \$ <sup>\$0.00 DAC</sup> ~~2.00~~, and personal property taxes in the amount of \$ <sup>DAC</sup> ~~8.00~~. The lien based on ad valorem taxes is superior to the interests of Plaintiff, United States of America, and the lien based on personal property taxes is inferior and subject to the interests of Plaintiff, United States of America.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against Defendants, Jerald W.

Lawson and Margo M. Lawson, in the amount of \$21,210.92 as unpaid principal, plus interest accruing thereon at the rate of 13 percent per annum from November 1, 1982, until judgment, plus interest thereafter at the legal rate until paid, plus the costs of this action accrued and accruing.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of Defendants, Jerald W. Lawson and Margo M. Lawson, to satisfy the money judgment of the Plaintiff herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property herein, and apply the proceeds thereof as follows:

First:

In payment of the costs of this action, accrued and accruing incurred by the Plaintiff, including the costs of sale of said real property;

Second:

In payment to the Defendants, County Treasurer and Board of County Commissioners, Tulsa County, Oklahoma, the amount of \$ 0.00, ad valorem property taxes which are presently due and owing on said real property;

Third:

In payment of the Judgment rendered herein in favor of the Plaintiff;

Fourth:

In payment to the Defendants, County Treasurer and Board of County Commissioners, Tulsa County, Oklahoma, the

amount of \$ 8.00 , personal property taxes which are presently due and owing on said real property.

The surplus from said sale, if any, shall be deposited with the Clerk of the Court to await further order of the court.

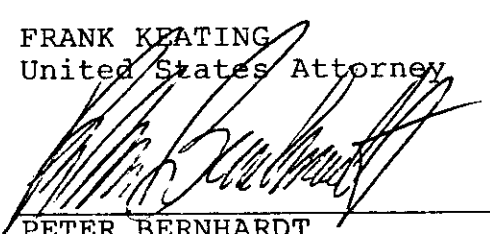
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of the above described real property, under and by virtue of this judgment and decree, the Defendants and all persons claiming under them since the filing of the Complaint herein, be and they are forever barred and foreclosed of any right, title, interest or claim in or to the subject real property or any part thereof.

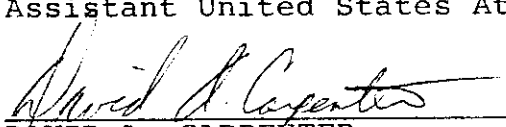
S/ JAMES O. ELLISON

JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

APPROVED:

FRANK KEATING  
United States Attorney

  
PETER BERNHARDT  
Assistant United States Attorney

  
DAVID A. CARPENTER  
Assistant District Attorney  
Tulsa County, Oklahoma  
Attorney for Defendants,  
County Treasurer and  
Board of County Commissioners,  
Tulsa County, Oklahoma

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

SEP 14 1983

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

NORRIS DIVISION OF DOVER CORPORATION

Plaintiff,

v.

UNITED STEEL WORKERS OF AMERICA, its Officers,  
Agents, Representatives, Employees and Members;  
UNITED STEEL WORKERS OF AMERICA LOCAL NO. 4430,  
its Officers, Agents, Representatives, Employees  
and Members; LOREN IRONS, Individually and as  
President of Local Union No. 4430; ROBERT W.  
HALL, Individually and as Vice President of  
Local Union No. 4430; GARY ARMSTRONG,  
Individually and as Recording Secretary of  
Local Union No. 4430; ARLEY D. GULLY, JR.,  
Individually and as Financial Secretary of  
Local Union No. 4430; RONALD TERRY RAINWATER,  
Individually and as Treasurer of Local Union  
No. 4430; MARVIN L. SAMPLE, Individually and  
as Guide of Local Union No. 4430; EUGENE J.  
LEWIS, Individually and as Inside Guard of  
Local Union No. 4430; MONROE GALCATCHER,  
Individually and as Outside Guard of Local  
Union No. 4430; WILLIAM A. BRUMMETT, J. T.  
COLLINS and CECIL J. OSBORN, Individually and  
as Trustees of Local Union No. 4430; and TOM  
WILLIAMS, Individually and as Representative  
of Defendant Labor Unions' Unity Newsletter,

Defendants.

Case No.:

82-C-632-E

FINAL JUDGMENT

On the 14<sup>th</sup> day of September, 1983, came on to be heard  
the above-entitled and numbered cause and came the parties by  
their respective attorneys of record and announced to the Court  
that the matters of fact and law in dispute between the parties

had been settled and compromised, and they mutually requested the Court to enter the following orders as the Final Judgment of the Court, to-wit:

1. All claims of the Plaintiff, Dover Corporation, Norris Division for damages past or future against the Defendants or any of them as set forth in the pleadings herein are hereby dismissed with prejudice.

2. Pursuant to the agreement of the parties, the terms of the Agreed Preliminary Injunction entered by this Court on the 1st day of September, 1982, is extended according to its terms through January 25, 1984.


It is, therefore, ORDERED, ADJUDGED, and DECREED by this Court that the Defendants and each of them are restrained and enjoined from causing or inducing sabotage, slowdowns, or work stoppages, or interfering with the efficiency of work by Plaintiff's employees, pending the completion of arbitration of the numerous issues of contract interpretation as provided for in the collective bargaining agreement between Dover Corporation, Norris Division, and the Defendants Unions in this cause; and the Defendants and each of them are further restrained and enjoined from inducing or causing any breach, in whole or in part, of the individual contracts of employment at will between Plaintiff and any of its production and maintenance employees; and the Defendants and each of them are hereby enjoined and directed to use any and all reasonable and lawful means available to them, and



each of them, to prevent or terminate any violation of Article XXIV of the collective bargaining agreement between Plaintiff and Defendant United Steelworkers of America, AFL-CIO.

This injunction shall terminate on January 25, 1984, at 11:59 p.m. The compromise and settlement of this cause of action and the entry of the agreed injunction by consent of the parties shall not constitute an admission of liability by the Defendants for any of the claims and causes of action asserted against them by Plaintiff in this cause.

Signed and entered this 14<sup>th</sup> day of September, 1983.

  
United States District Judge

The foregoing judgment is accepted as to form and content by undersigned counsel:

NICHOLS & WOLFE, INC.

By: 

Richard L. Barnes  
S. M. Fallis, Jr.  
124 East Fourth Street  
400 Old City Hall Building  
Tulsa, Oklahoma 74103  
(918) 584-5182

ATTORNEYS FOR PLAINTIFF

FRASIER, FRASIER & GULLEKSON  
717 South Houston  
400 Houston Center  
P. O. Box 799  
Tulsa, Oklahoma 74101  
(918) 584-4724

By: Thomas Dee Frasier

Thomas Dee Frasier

ATTORNEYS FOR LOCAL UNION NO. 4430  
AND ALL INDIVIDUAL DEFENDANTS

CHRIS DIXIE & ASSOCIATES  
3303 Main Street, No. 333  
Houston, Texas 77002  
(713) 223-4444

By: \_\_\_\_\_

Bruce Flickman

ATTORNEYS FOR DEFENDANT UNITED  
STEELWORKERS OF AMERICA, AFL-CIO

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE SEP 14 1983  
NORTHERN DISTRICT OF OKLAHOMA

David Eugene Potter, )  
 )  
 ) Petitioner, )  
 )  
 v. ) No. 82-C-1086-E  
 )  
 ) A. I. MURPHY, Warden, Oklahoma, )  
 ) State Penitentiary, )  
 )  
 ) Respondent. )

O R D E R

The Court has for consideration the Findings and Recommendations of the Magistrate filed on August 29, 1983 in which the Magistrate recommends that the Petition for Writ of Habeas Corpus be denied. No exceptions or objections have been filed and the time for filing such exceptions or objections has expired.

After careful consideration of the record and the issues presented by the Petition for Writ of Habeas Corpus, the Court has concluded that the Findings and Recommendations of the Magistrate should be and hereby are affirmed and adopted as the Findings and Conclusions of this Court.

Therefore, the Petition for Writ of Habeas Corpus is denied.  
It is so Ordered this 13<sup>TH</sup> day of September, 1983.

  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

**FILED**

RICHARD LEE MCCARTHER,

Plaintiff,

vs.

LARRY LATTIMER, et al.,

Defendants.

No. 83-C-5-E

SEP 14 1983

John C. Silver, Clerk  
U.S. DISTRICT COURT

ORDER

The Court has before it a pro se civil rights complaint alleging violations of various constitutional rights arising from three separate arrests in three separate counties. The first arrest took place in Tulsa County by the Tulsa Police Department in December of 1981. The second arrest occurred in Okmulgee County by the Okmulgee Police Department in April of 1982. And the third arrest occurred in Midwest City in June of 1982. Plaintiff was subsequently confined in the Oklahoma County Jail. The Court having examined Plaintiff's complaint and the various motions of the Defendants finds:

1. That the Plaintiff alleges deprivation of property rights that occurred in three separate arrests in three separate counties. The Plaintiff also alleges unconstitutional conditions of confinement in the Oklahoma County Jail. In order for the Plaintiff to be able to join in one lawsuit the Defendants from the Tulsa, Okmulgee and Midwest City Police Departments and the Defendants from the Oklahoma County Sheriff's office, he must show that these claims arise out of the

same transaction or that they all have a common question of law or fact. Rule 21 and Rule 20(a) of the Federal Rules of Civil Procedure.

2. The only allegations that appear to bind all the parties in this action are cursory allegations that the Defendants were invoved in a conspiracy to violate the Plaintiff's civil rights. Plaintiff has made unsupported allegations that the Tulsa Police Department conspired with the Okmulgee police, the Midwest City police and the Oklahoma City Sheriff's office for the purpose of "effecting deprivations and restrictions so severe as to hinder, undermine, and irreversibly damage my defense against criminal charges by their covert and surreptitious communiques and acts designed to enflame, prejudice and adversely inveigle the aspects of my defense to the charges against me". See Count V of Plaintiff's original complaint.

In an effort to control frivolous conspiracy suits under § 1983 federal courts have come to insist that the complaint state with specificity the facts that, in the Plaintiff's mind, show the existence and scope of the alleged conspiracy. It has long been the law in this and other circuits that complaints cannot survive a motion to dismiss if they contain conclusory allegations of conspiracy but do not support their claims with reference to material facts.

Slotnick vs. Staviskey, 560 F.2d 31 (1st Cir. 1977). As in Slotnick this complaint "contains frequent references to conspiracy, but offers few insights into the specific nature of the alleged concerted action". Slotnick,

supra at page 33. The record reflects allegations that each police department in turn seized personal property belonging to the Plaintiff which was not used in the commission of a felony and retained such property. However the record is devoid of any allegations of facts indicating a possible conspiratorial agreement or actions by these separate parties. "In these circumstances, such a conclusory allegation with no supporting factual averments is insufficient as a matter of law to state a claim for conspiracy". Clulow vs. State of Oklahoma, 700 F.2d 1292 (10th Cir. 1983); Wise vs. Bravo, 666 F.2d 1328 (10th Cir. 1981). This Court finds therefore that Plaintiff's conclusory allegations of conspiracy on the part of the Defendants in the original complaint are not sufficient to state a cause of action for conspiracy pursuant to 42 U.S.C. § 1983 or § 1985(3). Therefore the allegations of conspiracy contained in Count V of Plaintiff's original complaint filed April 18, 1983 must be dismissed.

3. Since Plaintiff cannot show that the actions of each Defendant arise out of a common transaction or occurrence as required for joinder under Rule 20(a) and since Plaintiff's allegations of conspiracy have been dismissed by the Court the Court finds that several counts of Plaintiff's complaint should be dismissed for improper venue.
4. Count II of Plaintiff's original complaint of April 18,

1983 alleges the seizure of mail, a 1965 Ford van, clothing, equipment and so forth from Plaintiff's home in Okmulgee by the Okmulgee Police Department naming specifically Chester Hodge. Civil rights actions may only be brought in the federal district where the Defendants reside or in which the asserted claim arose. 28 U.S.C. § 1391(b). Defendant Hodge resides in Okmulgee County, Oklahoma and the alleged acts occurred in the City of Okmulgee, Oklahoma all within the Eastern District of Oklahoma. This Court finds that Count II should therefore be dismissed without prejudice. 28 U.S.C. § 1406(a).

5. Count III of Plaintiff's original complaint of April 18, 1983 alleges that the Midwest City Police Department committed a burglary of his residence and took money and property from his residence in Midwest City and from storage in Midwest City naming specifically Cecil Frymire. For the reasons set forth above this Court believes that Count III should be dismissed without prejudice. 28 U.S.C. § 1391(b) and § 1406(a).
6. Count V of Plaintiff's original complaint of April 18, 1983 alleges that Plaintiff was placed in solitary confinement in the Oklahoma County Jail and was subjected to inhumane jail conditions. Plaintiff includes in Count V Officers Russel Dear and Officers Bush and Gurley of the Oklahoma City Sheriff's office. Pursuant to the Court's authority under 28 U.S.C.

§1406(a) and the provisions of 28 U.S.C. § 1391(b), Count IV of the Complaint should be dismissed without prejudice.

7. Count VI of Plaintiff's original complaint of April 18, 1983 alleges that Judge Joe Cannon (a) refused to order the return of his personal property; (b) disregarded his rights to a jury trial on the issue of competence; (c) determined his habeas corpus action on the basis of unlawful bias; and (d) "acted in a malicious, flagrant and abusive manner towards me and my motions". The claims for relief as to this Defendant are based on acts or omissions occurring in Oklahoma County which is in the Western District of Oklahoma. Pursuant to the Court's authority contained in 28 U.S.C. § 1406(a) this Court finds that Count V of Plaintiff's original complaint should be dismissed without prejudice.

IT IS THEREFORE ORDERED:

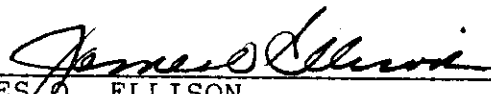
1. Allegations of conspiracy contained in Count V of Plaintiff's original complaint of April 18, 1983 are insufficient to allege a complaint in Civil Rights under 42 U.S.C. § 1983. Count V of Plaintiff's complaint is hereby dismissed.
2. Count II of Plaintiff's complaint which alleges acts committed by the Okmulgee Police Department and Chester Hodge is hereby dismissed pursuant to 28 U.S.C. §§ 1391(b) and 1406(a).



3. Count III of Plaintiff's original complaint alleging burglary of a residence and the seizure of property by the Midwest City Police and Cecil Frymire is hereby dismissed pursuant to 28 U.S.C. §§ 1391(b) and 1406(a).
4. Count IV of Plaintiff's complaint alleging inhumane conditions of confinement in the Oklahoma County Jail is hereby dismissed pursuant to 28 U.S.C. §§ 1391(b) and 1406(a).
5. Count VI of Plaintiff's complaint alleging conduct by Judge Joe Cannon within Oklahoma County, Oklahoma is hereby dismissed pursuant to 28 U.S.C. §§ 1391(b) and 1406(a).

The Clerk of the Court shall mail a copy of this Order to the Petitioner.

DATED this 13<sup>TH</sup> day of September, 1983.

  
\_\_\_\_\_  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

LARRY F. BRASHEARS,

Plaintiff,

v.

RICHARD S. SCHWEIKER, Secretary  
of Health and Human Services,

Defendant.

)  
)  
)  
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)  
)  
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)  
)  
)

No. 82-C-1073-C

SEP 14 1983

JACK C. SILVER, CLERK  
DISTRICT COURT

O R D E R

The Court has for consideration the Findings and Recommendations of the Magistrate filed on August 31, 1983 in which it is recommended that this case be remanded to the Secretary for further administrative proceedings. No exceptions or objections have been filed and the time for filing such exceptions or objections has expired.

After careful consideration of the matters presented to it, the Court has concluded that the Findings and Recommendations of the Magistrate should be and hereby are affirmed.

Accordingly, it is Ordered that this case be remanded to the Secretary for the purpose of considering additional evidence with respect to the issue of Plaintiff's ability to "do other work", and re-evaluation of Plaintiff's disability claim pursuant to 20 CFR § 404.1520..

Dated this 13<sup>TH</sup> day of September, 1983.

  
for H. DALE COOK  
CHIEF JUDGE

FILED

SEP 13 1983

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

ACK C. SILVER, CLERK  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CIVIL ACTION NO. 83-C-509-C
	)	
DONALD E. SHARP, JR.,	)	
	)	
Defendant.	)	

AGREED JUDGMENT

This matter comes on for consideration this 12 day of Sept, 1983, the Plaintiff appearing by Frank Keating, United States Attorney for the Northern District of Oklahoma, through Nancy A. Nesbitt, Assistant United States Attorney, and the Defendant, Donald E. Sharp, Jr., appearing pro se.

The Court, being fully advised and having examined the file herein, finds that the Defendant, Donald E. Sharp, Jr., was personally served with Summons and Complaint on August 18, 1983. The Defendant has not filed his Answer but in lieu thereof has agreed that he is indebted to the Plaintiff in the amount alleged in the Complaint and that Judgment may accordingly be entered against him in the amount of \$670.66, plus interest at the legal rate from the date of this Judgment until paid.

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover Judgment against the Defendant,

Donald E. Sharp, Jr., in the amount of \$670.66, plus costs and interest at the legal rate from the date of this Judgment until paid.

S/ JAMES O. ELLISON *for*

UNITED STATES DISTRICT JUDGE

H. DALE COOK

APPROVED:

UNITED STATES OF AMERICA

FRANK KEATING  
United States Attorney

*Nancy A. Nesbitt*  
NANCY A. NESBITT  
Assistant U.S. Attorney

*Donald E. Sharp, Jr.*  
DONALD E. SHARP, JR.

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

SEP 13 1983

ROCK C. SILVER, CLERK  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,                     )  
  )  
                          Plaintiff,                )  
  )  
vs.   )  
  )  
WILLIE GUNTER, III,                             )  
  )  
                          Defendant.             )     CIVIL ACTION NO. 81-C-600-C

DEFAULT JUDGMENT

This matter comes on for consideration this 12 day of September, 1983, the Plaintiff appearing by Frank Keating, United States Attorney for the Northern District of Oklahoma, through Philard L. Rounds, Jr., Assistant United States Attorney, and the Defendant, Willie Gunter, III, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Willie Gunter, III, was served with Alias Summons and Complaint on April 28, 1983. The time within which the Defendant could have answered or otherwise moved as to the Complaint has expired and has not been extended. The Defendant has not answered or otherwise moved, and default has been entered by the Clerk of this Court. Plaintiff is entitled to Judgment as a matter of law.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover Judgment against Defendant, Willie Gunter, III, for the principal sum of \$1,102.60 (less the sum of \$320.00 which has been paid), plus interest at the legal rate

from the date of this Judgment until paid, and costs of this action.

S/ JAMES O. ELLISON *for*

---

UNITED STATES DISTRICT JUDGE

H. DALE COOK

FILED

SEP 13 1983

Jack C. Silver, Clerk  
U. S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF OKLAHOMA

ALFRED A. LOWE,

Plaintiff,

vs.

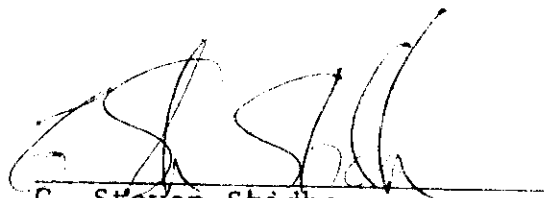
PONY BOY, INC.,


Defendant.

No. 83-C-401-C

STIPULATION OF DISMISSAL WITH PREJUDICE

COMES NOW the Plaintiff, Alfred A. Lowe, and the Defendant, Pony Boy, Inc., and stipulate and agree to Dismissal of the above-styled action with prejudice.

  
G. Steven Stidham  
Attorney for Defendant

  
Darrell Bolton, Esq  
Attorney for Plaintiff

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

SEP 13 1983

John C. Silver, Clerk  
U.S. DISTRICT COURT

GLENN ELVIN HAGER,  
Plaintiff,

vs.

DAVID MOSS, et al.,  
Defendants.

No. 83-C-9-E

O R D E R

The Court has before it the motion of Defendant Oklahoma Department of Corrections to dismiss pursuant to Rules 12(b)(2), (4), (5), (6) Federal Rules of Civil Procedure. The Court after a review of the record and the pleadings in this case and being advised in the premises finds that Defendant's motion should be granted as is further set forth below.

Plaintiff at the time of suit was incarcerated in the Tulsa County Jail which is not within the control of the State Department of Corrections. The Plaintiff makes no factual allegations which implicate the Department in any of the events he describes. He has totally failed to state a claim against this Defendant.


The Department of Corrections as an arm of the State of Oklahoma is immune from suit under the 11th Amendment to the United States Constitution. See Alabama vs. Pugh, 438 U.S. 781, 98 S.Ct. 3057 (1978).

IT IS THEREFORE ORDERED AND ADJUDGED that the motion of Defendant Oklahoma Department of Corrections be and hereby is



granted.

ORDERED this 12<sup>TH</sup> day of September, 1983.

  
\_\_\_\_\_  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

FILED

SEP 12 1983

Jack C. Silver, Clerk  
U. S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

RUPERT HENRY CEASAR, SR.,	)	
Administrator of the Estate of	)	
Rupert Henry Ceasar, Jr., and	)	
SHELIA DIXON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 81-C-241-E
	)	
EMMCO-EXCEL INSURANCE COMPANY,	)	
	)	
Defendant.	)	

JOURNAL ENTRY OF JUDGMENT

NOW ON this 26th day of August, 1983, comes on to be heard the Motion to Reconsider Sanctions and request for hearing of the Plaintiffs', Motion to Compel Payment of Sanctions of the Defendant, and Defendant's Motion to Assess Attorney Fees. Plaintiffs appear by and through their attorney of record, C. Rabon Martin, Tulsa, Oklahoma. Defendant appears by and through its attorney of record, Walter D. Haskins, of the law firm of Best, Sharp, Thomas, Glass & Atkinson.

WHEREUPON, the Court hears the Plaintiffs' Motion to Reconsider the Imposition of Sanctions Against Plaintiffs' Counsel and the Defendant's Motion to Compel the Payment of Sanctions. The Court, being well advised in the premises, finds that Plaintiffs' Motion to Reconsider the Imposition of Sanctions should be sustained in part and overruled in part and does so by reducing the amount of Sanctions in its Order of June 4, 1982, to the sum of

fifty-five dollars (\$55.00). Exception is granted both Plaintiffs and Defendant. The Court hears the Defendant's Motion that it should compel the payment of sanction by Plaintiffs' counsel, and sustain said Motion, and Plaintiffs' counsel is ordered to pay the Defendant within five (5) days of the date of this Order the sum of fifty-five dollars (\$55.00) in sanctions.

THEREUPON, the Court hears the Motion to Assess Attorney Fees against the Plaintiffs. The Court, being well advised in the premises, finds that said Motion should be and hereby is SUSTAINED, and considers the testimony of the parties relating to the reasonable attorney fees incurred in the defense of this action. The Court finds the sum of three thousand, nine hundred seventy-one dollars and twenty-five cents (\$3,971.25) is a reasonable attorney fee to compensate the Defendant for its expenses incurred in this action, and renders judgment in favor of the Defendant and against the Plaintiffs in the sum of three thousand, nine hundred seventy-one dollars and twenty-five cents (\$3,971.25) as attorney fees. The Court further finds that on the 2nd day of March, 1983, the Clerk of the United States District for the Northern District of Oklahoma assessed costs against the Plaintiff and in favor of the Defendant in the sum of five hundred, ninety-five dollars and eighty-seven cents (\$595.87) and that said amount should be reduced to judgment. Judgment is, therefore, rendered in favor of the Defendant and against the Plaintiffs, and each of them, in the total sum of four thousand, five hundred sixty-seven dollars and twelve cents (\$4,567.12) inclusive of all interest, attorney fees, and costs.

IT IS, THEREFORE, THE ORDER, JUDGMENT, AND DECREE that Plaintiffs' counsel, C. Rabon Martin, pay to the Defendant within five (5) days of this date the sum of fifty-five dollars (\$55.00), and further that judgment is

rendered in favor of the Defendant and against the Plaintiffs in the sum of four thousand, five hundred sixty-seven dollars and twelve cents (\$4,567.12).


Upon said judgment, LET EXECUTION ISSUE!

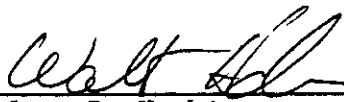
S/ JAMES O. ELLISON

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Judge James O. Ellison

APPROVED AS TO FORM AND CONTENT:

  
C. Rabon Martin  
Attorney for Plaintiffs

  
Walter D. Haskins  
Attorney for Defendant

**FILED**

**SEP 12 1983**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

**Jack C. Silver, Clerk**  
**U. S. DISTRICT COURT**

THE NATIONAL ELECTRICAL )  
INDUSTRY FUND, a Washington, )  
D.C. trust, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
COMMONWEALTH ELECTRIC COMPANY, )  
a Delaware corporation, )  
 )  
Defendants. )

No. 78-C-176-E

ORDER OF DISMISSAL

Upon the parties' joint Stipulation for Dismissal,  
filed herein on September 7, 1983 and for good cause shown,  
it is therefore

ORDERED that plaintiff's claims and Complaint herein  
are hereby dismissed with prejudice, each side to bear its own  
attorneys' fees and costs; provided, however, that this Order  
shall be without prejudice to either party's rights (including  
rights to attorneys' fees and costs) under the settlement  
agreement in the Maryland case.

DATED this 9 day of September, 1983.

**S/ JAMES O. ELLISON**

UNITED STATES DISTRICT JUDGE

Approved By:

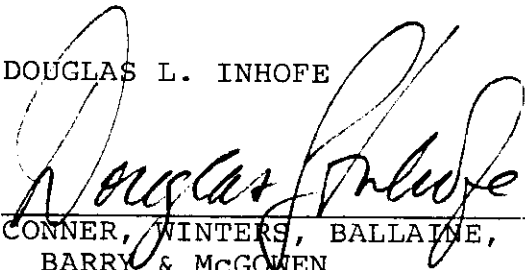
JOHN HENRY RULE



GABLE & GOTWALS  
20th Floor, Fourth National  
Bank Building  
Tulsa, Oklahoma 74119  
(918) 582-9201

Attorneys for Plaintiff  
THE NATIONAL ELECTRICAL INDUSTRY FUND

DOUGLAS L. INHOFE



CONNER, WINTERS, BALLAINE,  
BARRY & MCGOWEN  
2400 First National Tower  
Tulsa, Oklahoma 74103  
(918) 586-5711

Attorneys for Defendant  
COMMONWEALTH ELECTRIC COMPANY

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

THE NATIONAL ELECTRICAL )  
INDUSTRY FUND, a Washington, )  
D.C. trust, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
THE HOWARD P. FOLEY COMPANY, )  
a Washington, D.C. corpora- )  
tion, )  
 )  
Defendant. )

No. 78-C-177-E

FILED  
Sep 12, 1983  
JACK C. Silver, Clerk  
U.S. Dist Court.

ORDER OF DISMISSAL

Upon the parties' joint Stipulation for Dismissal,  
filed herein on September 7, 1983 and for good cause shown,  
it is therefore

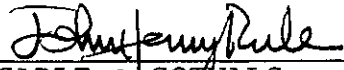
ORDERED that plaintiff's claims and Complaint herein  
are hereby dismissed with prejudice, each side to bear its own  
attorneys' fees and costs; provided, however, that this Order  
shall be without prejudice to either party's rights (including  
rights to attorneys' fees and costs) under the settlement  
agreement in the Maryland case.

DATED this 9 day of September, 1983.

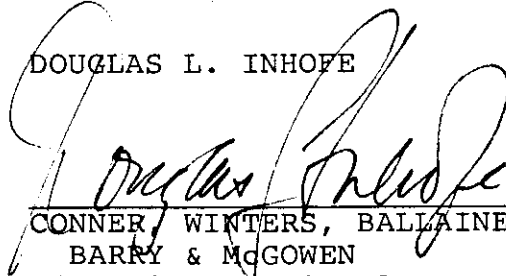
\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

Approved By:

JOHN HENRY RULE

  
GABLE & GOTWALS  
20th Floor, Fourth National  
Bank Building  
Tulsa, Oklahoma 74119  
(918) 582-9201

Attorneys for Plaintiff  
THE NATIONAL ELECTRICAL INDUSTRY FUND

DOUGLAS L. INHOFE  
  
CONNER, WINTERS, BALLAINE,  
BARRY & MCGOWEN  
2400 First National Tower  
Tulsa, Oklahoma 74103  
(918) 586-5711

Attorneys for Defendant  
THE HOWARD P. FOLEY COMPANY





7-10

SEP -9 1983 KS

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

No. 83-C-329-BT

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IT IS THEREFORE ORDERED defendants' motion to dismiss  
is sustained.

ENTERED this 9<sup>th</sup> day of September, 1983.

A handwritten signature in cursive script, appearing to read "Thomas R. Brett", is written over a horizontal line.

THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

SEP -9 1983

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

HENRY A. SECONDINE,

Plaintiff,

vs

CURTIS ZUNIGHA, ALAN CHISSOE,  
PATSY MARTIN, JO ANN MARKLEY,  
and BEATRICE FREELAND, acting  
as The Delaware Tribal Court,

Defendants.

Civil Action File No. 83-C-680-E

NOTICE OF

DISMISSAL WITH PREJUDICE


HENRY A. SECONDINE, Plaintiff, does hereby dismiss  
the herein cause of action against Curtis Zunigha, Alan Chissoe,  
Patsy Martin, Jo Ann Markley and Beatrice Freeland, members of  
The Delaware Court, with prejudice to future action.


SEIGEL & OAKLEY

Receipt of a copy of the above  
Notice of Dismissal With Pre-  
judice is acknowledged.

Dated: 9/9/83

BRUCE MILLER TOWNSEND  
DONALD E. HAMMER

By:   
Attorneys for Defendants

  
H. GENE SEIGEL  
250 Law Building  
500 West 7 Street  
Tulsa, Oklahoma 74119  
587-3147

Attorney for Plaintiff

Entered

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA SEP -9 1983

COTTON PETROLEUM CORPORATION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
DONALD P. HODEL and the )  
UNITED STATES DEPARTMENT )  
OF ENERGY, )  
 )  
Defendants, ) No. 79-C-217-B  
 )  
and )  
 )  
THE UNITED STATES OF AMERICA, )  
 )  
Defendant- )  
Counterclaimant.)

STIPULATED ORDER OF DISMISSAL

Plaintiff Cotton Petroleum Corporation ("Cotton"), defendants Secretary Hodel and the United States Department of Energy ("DOE"), and defendant-counterclaimant the United States of America ("United States") have agreed to dismiss with prejudice all claims against one another in this action, and this Court therefore orders this case dismissed in accordance with the following agreed-upon terms:

1. Cotton, operator of the North Goose Lake Unit ("the Unit") in Sheridan County, Montana, does not admit that it has violated any of the regulations of the DOE or predecessor agencies, nor does it admit any of the allegations of the DOE's Remedial Order or Decision and Order, or of the

Counterclaim of the United States. The DOE does not admit any of the allegations of Cotton's Complaint.

2. On behalf of the working and royalty interest owners of the Unit, Cotton agrees to pay \$1,104,165.00, plus interest beginning July 1, 1983, by certified check or checks made payable to the "United States Department of Energy." The checks shall be delivered by mail to the Office of the Controller, Office of Washington Financial Services, Cash Management Division, Post Office Box 300, Germantown, Maryland 20874-0500. This settlement amount shall be paid within eighteen (18) months of entry of this stipulated order of dismissal. Beginning July 1, 1983, interest on the outstanding balance shall accumulate at the average prime rate, compounded quarterly. The applicable average prime rate shall be the arithmetic mean, to the nearest one-hundredth of one percent, of the prime rate published in the Federal Reserve Bulletin for the fourth, third, and second months preceding the first month of the calendar quarter. See 46 Fed. Reg. 21412 (April 10, 1981). All payments with respect to the settlement amount shall be paid into an account maintained by DOE for the purpose of, and shall be held and processed solely in accordance with, "Subpart V - Special Procedures for Distribution of Refunds" (10 C.F.R. §§ 205.280-205.288).

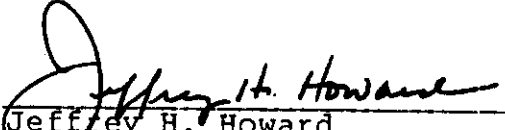
3. No part of the payments made pursuant to this order is a penalty, fine or forfeiture or a settlement of any

potential liability for a penalty, fine or forfeiture.

4. The United States and DOE hereby release and forever discharge Cotton and each and every working interest owner and/or royalty interest owner of the Unit from 1973 to date, and any of their respective heirs, successors, executors, administrators and assigns from any and all claims, actions, liability, demands (including but not limited to claims for civil or other penalties, for additional interest and claims asserted in the counterclaim filed by the United States in this action) whether asserted or unasserted, known or unknown, which arise out of or relate to alleged violations of the Mandatory Petroleum Pricing Regulations (10 C.F.R. Part 212) in connection with sales of crude oil from the Unit from August 1973 through January 1976. The United States and DOE also covenant not to sue or to assert any claim or challenge in any administrative or judicial forum against Cotton or any of the working interest or royalty interest owners of the Unit relating to sales of crude oil by the Unit from August 1973 through January 1976 or the compliance of such sales with the Mandatory Petroleum Pricing Regulations (10 C.F.R. Part 212), except that the United States or DOE may take any necessary actions to enforce paragraph 2 of this agreement and may assert that the regulations are valid.

5. Each party shall bear its own costs.

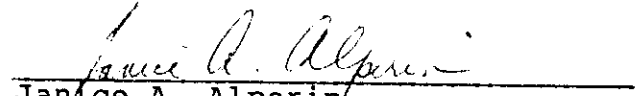
APPROVED AND AGREED TO:

  
Jeffrey H. Howard  
Davis, Graham & Stubbs  
1001 22nd Street, N.W.  
Suite 500  
Washington, D.C. 20037  
(202) 822-8660

Attorneys for Plaintiff and  
Counterclaim-defendant,  
Cotton Petroleum Corporation


Date: September 7, 1983

ORDERED:

  
Janice A. Alperin  
Office of General Counsel  
1000 Independence Avenue, S.W.  
Washington, D.C. 20585  
(202) 252-5411

Attorneys for Defendants  
Donald P. Hodel, United States  
Department of Energy and  
Counterclaim-plaintiff  
United States of America

Date: September 7, 1983

  
Sept. 9, 1983



JUDGMENT ON JURY VERDICT

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

SEP -8 1983

JAMES W. LONGPINE and  
MARGARET VIOLA LONGPINE,

CIVIL ACTION  
FILE NO.

82-C-628-JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

vs.

WHIRL AIR FLOW CORPORATION,  
a Minnesota Corporation,

This action came on for trial before the Court and a jury, Honorable H. DALE COOK

, United States District Judge, presiding.

The issues having been duly tried and the jury having duly rendered its verdict, it is ordered and adjudged that the plaintiffs take nothing and that the defendant recover of the plaintiffs its costs of action.

Dated at Tulsa, Oklahoma, this 8th day  
of September, 19 83.

Walter R. Miller  
Chief Deputy Clerk of Court

11-00000

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

CIVIL ACTION NO. 83-C-399-C

## UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

CANSO OIL & GAS, INC., a  
Delaware Corporation,

Plaintiff,

vs.

ALLYN R. BURROUGHS, an  
Individual; LARRY R.  
BURROUGHS, an Individual;  
DAVID P. ROWLAND, an  
Individual; and HARVEY J.  
SEDDER, an Individual,

Defendants.

SEP -8 1983

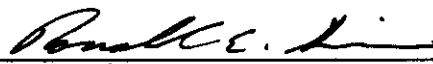
JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

No. 83-C-347-C

NOTICE OF DISMISSAL WITH PREJUDICE

Pursuant to Rule 41(a) of the Federal Rules of Civil  
Procedure, the above-styled Proceeding is dismissed with  
prejudice, each party to bear his own costs.

Dated this 8<sup>TH</sup> day of September, 1983.

  
Kenneth L. Brune  
Ronald E. Goins  
HOLLIMAN, LANGHOLZ, RUNNELS  
& DORWART  
700 Holarud Building  
Ten East Third Street  
Tulsa, Oklahoma 74103  
(918) 584-1471

Attorneys for Plaintiff,  
Canso Oil & Gas, Inc.

CERTIFICATE OF MAILING

I, Ronald E. Goins, hereby certify that on this 5<sup>TH</sup> day of September, 1983, I placed in the United States mails at Tulsa, Oklahoma, a true and correct copy of the above and foregoing "Notice of Dismissal with Prejudice" with correct postage fully prepaid thereon addressed to the following:

Melinda J. Martin  
SNEED, LANG, ADAMS, HAMILTON  
DOWNIE & BARNETT  
Sixth Floor  
114 East Eighth Street  
Tulsa, Oklahoma 74119

Richard E. Comfort  
HALL, ESTILL, HARDWICK, GABLE  
COLLINGSWORTH & NELSON  
4100 Bank of Oklahoma Tower  
One Williams Center  
Tulsa, Oklahoma 74172

  
\_\_\_\_\_  
Ronald E. Goins

11

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

No. 82-C-137-C

IT IS ORDERED AND ADJUDGED that the planitiff, JOHN DAVID TRAYNOR ECHOLS, recover of the defendants JIMMY D. FILOSA, CHARLES HARGROVE, DAVID SHIVERS and SAINT FRANCIS HOSPITAL, INC., jointly and severally, for the following sums as determined by the jury:

As compensatory damages for personal injuries, together with pre-judgment interest thereon at the rate of fifteen percent (15%) per annum from the date of filing of this action herein, February 5, 1982, to the date of verdict, August 26, 1983, the following sums:

JIMMY D. FILOSA, One Thousand Dollars (\$1,000.00) as principle and Two Hundred Thirty-three Dollars One Cent (\$233.01) interest;

CHARLES HARGROVE, Fifty Dollars (\$50.00) as principle and Eleven Dollars Sixty-five Cents (\$11.65) interest;

DAVID SHIVERS, One Hundred Dollars (\$100.00) as principle and Twenty-three Dollars Thirty Cents (\$23.30) interest;

SAINT FRANCIS HOSPITAL, INC., Five Hundred Thousand Dollars (\$500,000.00) as principle and One Hundred Sixteen Thousand Five Hundred Six Dollars and Eighty-five Cents (\$116,506.85) interest;

And the following sums as punitive damages:

JIMMY D. FILOSA, One Thousand Five Hundred Dollars (\$1,500.00);

CHARLES HARGROVE, Zero Dollars (\$0.00);

DAVID SHIVERS, Zero Dollars (\$0.00);

SAINT FRANCIS HOSPITAL, INC., Five Hundred Thousand Dollars (\$500,000.00); for a total judgment of One Million One Hundred Nineteen Thousand Four Hundred Twenty-four Dollars Eighty-one Cents (\$1,119,424.81), with post-judgment interest thereon as provided by law, and his costs of action; the plaintiff having reserved his right to file a post-judgment motion for attorneys' fees to be taxed as costs against said defendants.

ENTERED this 8<sup>th</sup> day of September, 1983. .

  
UNITED STATES DISTRICT JUDGE

**FILED**

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

83-C-566-C

MARY EVELYN OVERTON, Plaintiff

RHODES, HIERONYMUS, JONES, TUCKER & GABLE

By

E. D. HYERONYMUS  
2900 Fourth National Building  
Tulsa, OK 74119 918-582-1173

ATTORNEYS FOR PLAINTIFF.



FILED

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

SEP -7 1983  
JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

vs.

COY D. FAULKNER,

Defendant.

CIVIL ACTION NO. 82-C-1024-B

AGREED JUDGMENT

This matter comes on for consideration this 6th day of September, 1983, the Plaintiff appearing by Frank Keating, United States Attorney for the Northern District of Oklahoma, through Nancy A. Nesbitt, Assistant United States Attorney, and the Defendant, Coy D. Faulkner, appearing pro se.

The Court, being fully advised and having examined the file herein, finds that the Defendant, Coy D. Faulkner, was personally served with an Alias Summons and Complaint on July 29, 1983. The Defendant has not filed his Answer but in lieu thereof has agreed that he is indebted to the Plaintiff in the amount alleged in the Complaint and that Judgment may accordingly be entered against Coy D. Faulkner in the amount of \$759.73, plus interest at the legal rate from the date of this Judgment until paid.

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover Judgment against the Defendant, Coy D. Faulkner, in the amount of \$759.73, plus costs and

interest at the legal rate from the date of this Judgment until paid.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

FRANK KEATING  
United States Attorney

Nancy A. Nesbitt  
NANCY A. NESBITT  
Assistant U.S. Attorney

Coy D. Faulkner  
COY D. FAULKNER

Entered

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

SEP -7 1983

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

ORA JOHNSON,

Plaintiff,

v.

NO. 82-C-1143-B

THE NATIONAL PROPERTY OWNERS  
INSURANCE CO., and FRED R.  
ALEXANDER, Agency,

Defendants.

ORDER OF DISMISSAL

On this 6 day of Sept., 1983, upon the written application of the parties for a Dismissal With Prejudice of the Complaint and all causes of action, the Court having examined said Application finds that said parties entered into a compromise settlement covering all claims involved in the Complaint, of every nature, and have requested the Court to dismiss said Complaint with prejudice to future action, and the Court being fully advised on the premises, finds that said Complaint should be dismissed pursuant to said Application.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Complaint and all causes of action of the Plaintiff filed herein against the Defendant be in the same as hereby Dismissed With Prejudice to any future actions.

S/ THOMAS R. BRETT

Judge Thomas R. Brett

APPROVALS:

Theodoric B. Hendrix  
Theodoric B. Hendrix

Richard D. Wagner  
Richard D. Wagner

Entered

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA SEP -7 1983

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

ALLEN L. LINDEMANN,  
an individual,

Plaintiff,

vs.

Case No. 83-C-324-B

THE INTELEPLEX CORPORATION,  
a New Jersey corporation,  
JOHN VOIGT, an individual,  
and BONNIE WONIK, an  
individual,

Defendants.

ORDER OF DISMISSAL WITH PREJUDICE

Now on this 6th day of September, 1983, the above styled and numbered cause comes on for consideration by the Court on the Joint Stipulation for Dismissal filed herein by the Plaintiff and the Defendants. The Court, having examined the Joint Stipulation for Dismissal, finds that the Plaintiff and the Defendants have entered into a compromise agreement in settlement of the claims set forth in the Complaint and that the causes of action set forth therein should be dismissed with prejudice as against the Defendants, The Inteleplex Corporation, John Voigt and Bonnie Wonik, pursuant to the Joint Stipulation for Dismissal.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the causes of action filed by the Plaintiff against the Defendant are hereby dismissed with prejudice to future filing.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

Entered

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JERRY D. MATHIS,

Defendant.

FILED

SEP -7 1983

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

CIVIL ACTION NO. 83-C-425-B

DEFAULT JUDGMENT

This matter comes on for consideration this 6th day of September, 1983, the Plaintiff appearing by Frank Keating, United States Attorney for the Northern District of Oklahoma, through Peter Bernhardt, Assistant United States Attorney, and the Defendant, Jerry D. Mathis, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Jerry D. Mathis, was served with Alias Summons and Complaint on July 29, 1983. The time within which the Defendant could have answered or otherwise moved as to the Complaint has expired and has not been extended. The Defendant has not answered or otherwise moved, and default has been entered by the Clerk of this Court. Plaintiff is entitled to Judgment as a matter of law.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover Judgment against Defendant, Jerry D. Mathis, for the principal sum of \$328.50, plus interest at the legal rate from the date of this Judgment until paid, and costs of this action.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

**FILED**

No. 83-C-547-E

Defendant.

AUG 31 1983

Jack C. Silver, 61, 1015 S. 1st St., St. Louis, Mo.

DATED this 30th day of August, 1983.

John C. Harrington, Jr.  
Lytle, Soule, Curlee, Harrington,  
Chandler & Van Dyke  
2210 First National Center  
Oklahoma City, OK 73102  
(405) 235-7471  
Attorneys for Plaintiff

FILED

SEP - 6 1983

ORDER OF DISMISSAL WITHOUT PREJUDICE

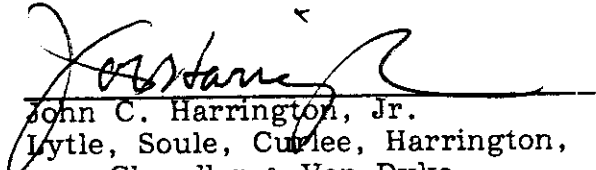
NOW on this 1st day of Sept., 1983, on the application of John C. Harrington, Jr., attorney for John Deere Company, the court finds that this action should be dismissed without prejudice.

IT IS THEREFORE ORDERED that this action be and the same is hereby dismissed without prejudice to the filing of another concerning the same subject matter.

**S/ JAMES O. ELLISON**

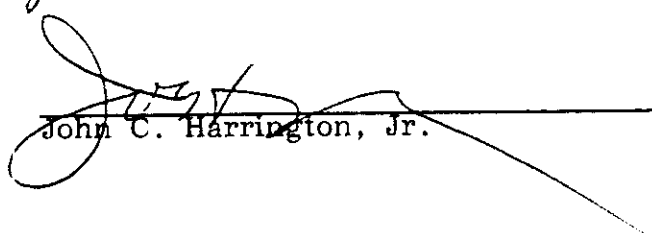
U. S. District Judge

APPROVED:

  
John C. Harrington, Jr.  
Lytle, Soule, Curlee, Harrington,  
Chandler & Van Dyke  
Attorneys for Plaintiff

CERTIFICATE OF MAILING

A true and correct copy of the foregoing application and order was mailed to the defendant, Clark J. Lucas, Route 1, Box 187, Copan, Oklahoma 74022, this 30 day of August, 1983.

  
John C. Harrington, Jr.

MHI:slb  
8/17/83

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
OKLAHOMA

SEP -2 1983

JACK GREEN and ALVARETTA GREEN, )

Plaintiffs, )

vs. )

FIBREBOARD CORPORATION, et al., )

Defendants. )

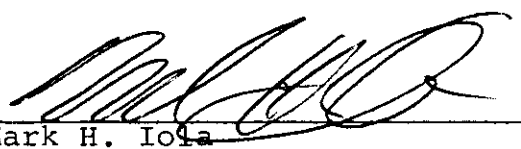
JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

NO. 83-C-580-C


STIPULATION FOR DISMISSAL

COME NOW, Mark H. Iola, counsel for the Plaintiffs, and John R. Paul, counsel for Rock Wool Manufacturing Company, and show the Court that the issues between the Plaintiffs and the Defendant, Rock Wool Manufacturing Company, only, have been resolved pursuant to a compromise settlement.

WHEREFORE, the Plaintiffs and Rock Wool Manufacturing Company, only, pray that an Order of Dismissal with Prejudice be entered herein as the issues between them are now moot.

  
Mark H. Iola

Ungerma, Conner & Little  
P. O. Box 2099  
Tulsa, Oklahoma 74101  
(918) 745-0101  
Attorney for Plaintiffs

  
John R. Paul

Richards & Paul  
Nine East Fourth St., Suite 400  
Tulsa, Oklahoma 74103  
(918) 584-2583  
Attorney for Defendant, Rock  
Wool Manufacturing Company

LAW OFFICES

UNGERMAN,  
CONNER &  
LITTLE

MIDWAY BLDG.  
2727 EAST 21 ST.  
SUITE 400

P. O. BOX 2099  
TULSA, OKLAHOMA  
74101



ORDER OF DISMISSAL

NOW, on this 6<sup>th</sup> day of September, 1983, the court being advised that a compromise settlement has been reached between the Plaintiffs and the named Defendant, Rock Wool Manufacturing Company, only, and those parties stipulating to a Dismissal with Prejudice, the court orders that the captioned case be dismissed with prejudice as to Rock Wool Manufacturing Company, only.

  
U. S. District Judge

FILED  
SEP 11 1983  
JUDITH A. BAKER, CLERK  
U. S. DISTRICT COURT

MHI:slb  
8/17/83

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
OKLAHOMA

FILED  
SEP -2 1983

HAROLD KENNETH THOMPSON )  
and HELEN LOUISE THOMPSON, )

Plaintiffs, )

vs. )

FIBREBOARD CORPORATION, et al., )

Defendants. )

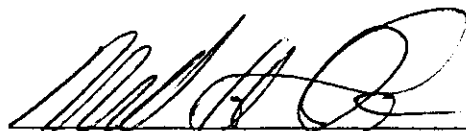
JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

NO. 82-C-836-C

STIPULATION FOR DISMISSAL

COME NOW, Mark H. Iola, counsel for the Plaintiffs, and John R. Paul, counsel for Rock Wool Manufacturing Company, and show the Court that the issues between the Plaintiffs and the Defendant, Rock Wool Manufacturing Company, only, have been resolved pursuant to a compromise settlement.

WHEREFORE, the Plaintiffs and Rock Wool Manufacturing Company, only pray that an Order of Dismissal with Prejudice be entered herein as the issues between them are now moot.

  
Mark H. Iola

Ungerman, Conner & Little  
P. O. Box 2099  
Tulsa, Oklahoma 74101  
(918) 745-0101  
Attorney for Plaintiffs

  
John R. Paul

Richards & Paul  
Nine East Fourth St., Suite 400  
Tulsa, Oklahoma 74103  
(918) 584-2583  
Attorney for Defendant, Rock  
Wool Manufacturing Company

LAW OFFICES

UNGERMAN,  
CONNER &  
LITTLE

MIDWAY BLDG.  
2727 EAST 21 ST.  
SUITE 400

P. O. BOX 2099  
TULSA, OKLAHOMA  
74101

ORDER OF DISMISSAL

NOW, on this 6<sup>th</sup> day of September, 1983, the court being advised that a compromise settlement has been reached between the Plaintiffs and the named Defendant, Rock Wool Manufacturing Company, only, and those parties stipulating to a Dismissal with Prejudice, the court orders that the captioned case be dismissed with prejudice as to Rock Wool Manufacturing Company, only.

131 H. Deep Cook  
U. S. District Judge

F I L E

SEP - 1983

JACK G. SMITH, Clerk  
U. S. DISTRICT COURT

MHI:slb  
8/17/83

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
OKLAHOMA

SEP -2 1983

MERLAND G. MORGAN  
and HELEN MORGAN,

Plaintiffs,

vs.

FIBREBOARD CORPORATION, et al.,

Defendants.


JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

NO. 82-C-781 C

STIPULATION FOR DISMISSAL

COME NOW, Mark H. Iola, counsel for the Plaintiffs, and John R. Paul, counsel for Rock Wool Manufacturing Company, and show the court that the issues between the Plaintiffs and the Defendant, Rock Wool Manufacturing Company, only, have been resolved pursuant to a compromise settlement.

WHEREFORE, the Plaintiffs and Rock Wool Manufacturing Company, only, pray that an Order of Dismissal with Prejudice be entered herein as the issues between them are now moot.

  
Mark H. Iola

Ungerman, Conner & Little  
P. O. Box 2099  
Tulsa, Oklahoma 74101  
(918) 745-0101  
Attorney for Plaintiffs

  
John R. Paul

Richards & Paul  
Nine East Fourth St., Suite 400  
Tulsa, Oklahoma 74103  
(918) 584-2583  
Attorney for Defendant, Rock  
Wool Manufacturing Company

LAW OFFICES

UNGERMAN,  
CONNER &  
LITTLE

MIDWAY BLDG.  
2727 EAST 21 ST.  
SUITE 400

P. O. BOX 2099  
TULSA, OKLAHOMA  
74101

ORDER OF DISMISSAL

NOW, on this 6<sup>th</sup> day of September, 1983, the court being advised that a compromise settlement has been reached between the Plaintiffs and the named Defendant, Rock Wool Manufacturing Company, only, and those parties stipulating to a Dismissal with Prejudice, the court orders that the captioned case be dismissed with prejudice as to Rock Wool Manufacturing Company, only.

(S) H. Dale Cook  
U. S. District Judge

FILED

SEP 11 1983

Jack C. Oliver, Clerk  
U. S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

INSURANCE COMPANY OF NORTH  
AMERICA, A Pennsylvania  
Corporation,

Plaintiff,

vs.

DENNIS MEIER, et al.,

Defendants.

No. 83-C-45-E

JUDGMENT

This action came on for hearing before the Court, Honorable James O. Ellison presiding, and the issues having been duly heard and a decision having been duly rendered, the Plaintiff's motion for summary judgment having been granted,

IT IS ORDERED AND ADJUDGED

that the homeowner's insurance policy number Al-04-83-78-5 issued to Alvin Eugene Meier and Helen P. Meier, husband and wife, provides no coverage for the accident occurring on February 10, 1982, in Pryor, Oklahoma involving Dennis Meier and Shannon Backwater; that the Plaintiff is under no duty to defend or indemnify Dennis Meier as a result of said accident; that the Plaintiff Insurance Company of North America recover of the Defendants Dennis Meier, Wiley Backwater and Clara Backwater, husband and wife, individually and as parents, next friends and natural guardians of Shannon K. Backwater, a minor, and Oklahoma Surety Company, its costs of action.

ORDERED this 15<sup>th</sup> day of September, 1983.

  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED  
SEP 14 1983  
JAMES O. ELLISON, CLERK  
U.S. DISTRICT COURT

ARLEAN RICE, JR.,  
Plaintiff,

vs.

DAYTON TIRE & RUBBER CO., INC.,  
Defendant.

No. 81-C-467-E


JUDGMENT

This action came on for jury trial before the Court, Honorable James O. Ellison, District Judge, presiding, and the issues having been duly tried and a decision having been duly rendered by the jury,

IT IS ORDERED AND ADJUDGED that the Plaintiff Arlean Rice, Jr. take nothing on his claims brought under 42 U.S.C. § 1981, that the action be dismissed on the merits, and that the Defendant Dayton Tire & Rubber Co., Inc. recover of the Plaintiff its costs of action on all counts.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Plaintiff take nothing on his claim tried to the Court during the jury proceeding of violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq. and that that portion of the complaint also be dismissed on the merits.

DATED at Tulsa, Oklahoma this 15<sup>th</sup> day of September, 1983.

  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

*tered*FILED *g*IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

SEP -6 1983

JACK C. SILVER, CLERK  
U.S. DISTRICT COURTMURRAY J. FLIPPO and ANNICE  
FLIPPO,

Plaintiffs,

v.

TERMINIX INTERNATIONAL, a  
Corporation, and MARYLAND  
CASUALTY COMPANY, a Corporation,

Defendants.

NO. 82-C-525-B  
529ORDER OF DISMISSAL

On this 31 day of August, 1983 upon the written Application of the parties for a Dismissal With Prejudice of the Complaint and all causes of action therein, the Court having examined said Application finds that the parties have entered into a compromise settlement covering all claims involved as a result of the incident complained of in said Complaint, and have requested this Court to dismiss Complaint with Prejudice and any future action, and the Court being fully advised on the premises, finds that said Complaint should be dismissed pursuant to said Application.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Complaint and all causes of action of the Plaintiffs herein against the Defendants above named be in the same hereby are Dismissed With Prejudice to any future action.

*Thomas R. Brett*  
\_\_\_\_\_  
Judge Thomas R. Brett

APPROVALS:

*Paul Thieman*  
\_\_\_\_\_  
Paul Thieman

*Richard D. Wagner*  
\_\_\_\_\_  
Richard D. Wagner



Entered

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

FLOYD R. HARDESTY, an  
individual, and DONNA J.  
HARDESTY, an individual,

Plaintiffs,

vs.

No. 83-C-497-B

JEFFERSON STANDARD LIFE  
INSURANCE COMPANY, a North  
Carolina corporation,

Defendant.

NOTICE OF DISMISSAL WITH PREJUDICE

The plaintiffs, Floyd R. Hardesty and Donna J. Hardesty,  
by and through their attorneys of record, Prichard, Norman &  
Wohlgemuth, dismiss the above-styled and numbered cause with  
prejudice.

DATED this 2nd day of September, 1983.

PRICHARD, NORMAN & WOHLGEMUTH

By:

Charles E. Norman  
Joel I. Wohlgemuth  
909 Kennedy Building  
Tulsa, Oklahoma 74103  
(918) 583-7571

Attorneys for Plaintiffs,  
Floyd R. Hardesty and Donna J.  
Hardesty

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of September, 1983, I  
mailed a true and correct copy of the above and foregoing  
instrument to:

Barry D. Mock, Esq.  
LAMUN, MOCK, FEATHERLY,  
BAER & TIMBERLAKE  
5900 North Grand Blvd.  
Oklahoma City, OK 73118

by depositing said copy in the U.S. mail, postage prepaid  
thereon.



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Joel L. Wohlgemuth

IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF OKLAHOMA

FILED

SEP -2 1983

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

IN RE:	)	
	)	
BOB G. RANKIN and LOLA J. RANKIN,	)	
	)	
Debtors,	)	
	)	U. S. District Court
FIRST NATIONAL BANK & TRUST	)	Case No. 82-C-1103-C
COMPANY OF VINITA, VINITA,	)	
OKLAHOMA,	)	Bankruptcy Case No.
	)	82-00293
Plaintiff,	)	
	)	Adversary No. 82-0329
vs.	)	
	)	
BOB G. RANKIN and LOLA J. RANKIN,	)	
	)	
Defendants.	)	

ORDER OF DISMISSAL

Counsel for Plaintiff and Defendants herein having filed their Stipulation of Settlement on August 10, 1983 wherein counsel announced settlement of the dispute which is the subject matter of this cause, this Court finds that THE FIRST NATIONAL BANK AND TRUST COMPANY OF VINITA, Vinita, Oklahoma, Plaintiff herein, and BOB G. RANKIN and LOLA J. RANKIN, Defendants herein, dismiss, each as to the other, this cause with prejudice to refiling.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this cause be dismissed with prejudice to refiling same and that each party is to pay their own costs and attorney fees herein.

s/H. DALE COOK

\_\_\_\_\_  
JUDGE

IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED  
SEP -2 1983

D & H PETROLEUM MARKETERS, INC.,  
an Oklahoma Corporation, JOE LEE  
INVESTORS, a partnership, DELBERT LEE  
JOHN PINION, JOHN L. HORNE, and  
DAVID FIKE,

Plaintiffs,

VS.

FREEDOM OIL & GAS, INC. an Oklahoma  
corporation, CHERRYVALE WELL SERVICE,  
INC., a Kansas corporation,  
CO-KAN OIL & GAS, INC., a Colorado  
corporation, JOHN R. HOUSEL, RON CURRAN,  
JOHN CAMPBELL, WAYNE MOORE,  
LARRY FORSHEE, TIM HOUSEL  
HARRY CUNNINGHAM, KEN DARLING  
STAN KARSTETTER, and JAMES BOLT,

Defendants.

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

Civil Action No:  
81-C-888-E

Complaint for violation  
of security laws and  
damages

ORDER DISMISSING WITH ~~OUT~~ PREJUDICE DEFENDANTS  
HARRY CUNNINGHAM, JAMES BOLT AND LARRY FORSHEE

NOW on this 2nd day of September, 1983 pursuant to  
the request and application of Jay O. Gregg, counsel for all  
Plaintiffs herein, finds and orders the following.

THE COURT FINDS AND IT IS THEREFORE ORDERED, ADJUDGED  
AND DECREED that Plaintiffs actions herein are hereby dismissed  
with ~~OUT~~ prejudice against Defendants, Harry Cunningham, James  
Bolt and Larry Forshee.

S/ JAMES O. ELLISON

JUDGE OF THE DISTRICT COURT

APPROVED:  
S/ JAY O. GREGG

Jay O. Gregg, Attorney for Plaintiffs,  
D & H Petroleum Marketers, Inc.,  
Joe Lee Investors, Delbert Lee,  
John Pinion, John L. Horne and David Fike

CERTIFICATE OF MAILING

I, Jay O. Gregg, do hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 1983, I mailed a true and correct copy of the foregoing instrument with proper postage thereon prepaid to Michael L. Fought, 300 West Main, P. O. Box 412, Cherryvale, Kansas 67335; and, Larry Forshee, 1313 W. 27th North, Wichita, Kansas 67204; and, Harry Cunningham, 620 W. 3rd Street, Cherryvale, Kansas 67335; and, Mr. James Bolt, 614 Mayo Building, Tulsa, Oklahoma 74103.

**S / JAY O. GREGG**

\_\_\_\_\_  
Jay O. Gregg

FILED

SEP -1 1983

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FRITZ DAMBERVILLE,

Plaintiff,

vs.

TOTAL PETROLEUM COMPANY,  
THE VICKERS OIL COMPANY,  
and MR. BILL NELSON,

Defendants.

No. 82-C-981-C

O R D E R

Now before the Court for its consideration is the motion of all defendants for sanctions filed pursuant to Fed.R.Civ.P. 37(b)(2)(C), filed on August 1, 1983. The Court has no record of a response to this motion from the plaintiff. Rule 14(a) of the local Rules of the United States District Court for the Northern District of Oklahoma provides as follows:

(a) Briefs. Each motion, application and objection filed shall set out the specific point or points upon which the motion is brought and shall be accompanied by a concise brief. Memoranda in opposition to such motion and objection shall be filed within ten (10) days after the filing of the motion or objection, and any reply memoranda shall be filed within ten (10) days thereafter. Failure to comply with this paragraph will constitute waiver of objection by the party not complying, and such failure to comply will constitute a confession of the matters raised by such pleadings.

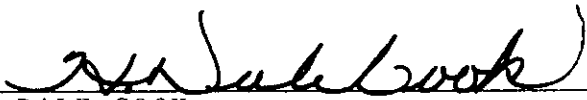
Therefore, in that the plaintiff has failed to comply with

local Rule 14(a) and no responsive pleading has been filed within 31 days of the filing of defendants' motion for sanctions herein, the Court concludes that the plaintiff has waived any objection to said motion and has confessed the matters contained therein.

Accordingly, it is the Order of the Court that defendants' motion for sanctions should be and hereby is granted.

It is the further Order of the Court that plaintiff's complaint is dismissed with prejudice and that the plaintiff shall be required to pay the reasonable expenses incurred by defendants, including attorney fees, caused by plaintiff's failure to comply with this Court's Order of July 18, 1983..

It is so Ordered this 1st day of September, 1983.

  
H. DALE COOK  
Chief Judge, U. S. District Court

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

SEP -1 1983

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICHARD F. MUZZY,

Defendant.

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

CIVIL ACTION NO. 83-C-190-C

O R D E R

Now on this 1 day of September, 1983, it appears that the Defendant in the captioned case has not been located within the Northern District of Oklahoma, and therefore attempts to serve him have been unsuccessful.

IT IS THEREFORE ORDERED, that the Complaint against Defendant, Richard F. Muzzy be and is dismissed without prejudice.

  
UNITED STATES DISTRICT JUDGE



UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

SEP -1 1983

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANIEL H. BROWN,

Defendant.

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

CIVIL ACTION NO. 83-C-506-C

O R D E R

Now on this 1<sup>st</sup> day of September, 1983, it appears that the Defendant in the captioned case has not been located within the Northern District of Oklahoma, and therefore attempts to serve him have been unsuccessful.

IT IS THEREFORE ORDERED, that the Complaint against Defendant, Daniel H. Brown be and is dismissed without prejudice.

15/ H. Dale Cook  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

SEP -1 1983

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

DONALD SANFORD BRACY,

Plaintiff,

vs.

STATE OF TEXAS,

Defendant.

No. 83-C-739-C

O R D E R


Now before the Court sua sponte is the application of Donald Sanford Bracy for a writ of habeas corpus. In his application petitioner seeks an order from this Court which would prevent his extradition to the State of Texas and his release from the Tulsa County Jail. Apparently, the plaintiff is presently in the custody of the Tulsa County Sheriff's Office pursuant to a fugitive warrant from the State of Texas. The Court has received a letter from petitioner wherein he requests the addition of Frank Thurman, Tulsa County Sheriff, as a respondent herein.

The exhaustion doctrine requires that petitioner first present his claims to the state courts. 28 U.S.C. Section 2254(b). Picard v. Connor, 404 U.S. 270, 92 S.Ct. 509, 30 L.Ed.2d 438 (1971); Gurule v. Turner, 461 F.2d 1083 (10th Cir. 1972); Dolack v. Allenbrand, 458 F.2d 891 (10th Cir. 1977). The record does not reflect that petitioner has presented his contentions listed herein to the Oklahoma courts or the Texas courts

and, therefore, he has failed to exhaust his state court remedies. Furthermore, the petitioner does not contend that any such state remedies would be inadequate or ineffective.

It is therefore the Order of the Court that the application for a writ of habeas corpus is dismissed for failure to exhaust state remedies.

It is so Ordered this 1st day of September, 1983.

  
\_\_\_\_\_  
H. DALE COOK  
Chief Judge, U. S. District Court

Entered

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

**FILED**

SEP 1 1983

FEDERAL DEPOSIT INSURANCE CORPORATION,  
Receiver for AMERICAN STATE BANK OF  
BRADLEY, ILLINOIS,

Plaintiff,

vs.

CLARENCE HOUDE and M. PATRICIA HOUDE,

Defendant.

Jack C. Silver  
U. S. DISTRICT COURT

Case No. 83-C-725-B

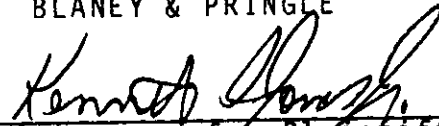
NOTICE OF DISMISSAL WITHOUT PREJUDICE

Comes now the plaintiff, Federal Deposit Insurance Corporation, and hereby dismisses the above entitled cause without prejudice to a future action.

Dated this 31st day of August, 1983.

FEDERAL DEPOSIT INSURANCE  
CORPORATION

By: EAGLETON, NICHOLSON, JONES,  
BLANEY & PRINGLE



Attorneys for Plaintiff  
Post Office Box 657  
325 Dean A. McGee Avenue  
Oklahoma City, Oklahoma 73101  
(405) 235-8445

CERTIFICATE OF MAILING

This is to certify that a true and correct copy of the above and foregoing instrument was mailed this 31st day of August, 1983, to Jim Beauchamp, Suite 906, 4500 South Garnett Road, Tulsa, Oklahoma 74146, attorney for defendant herein.

